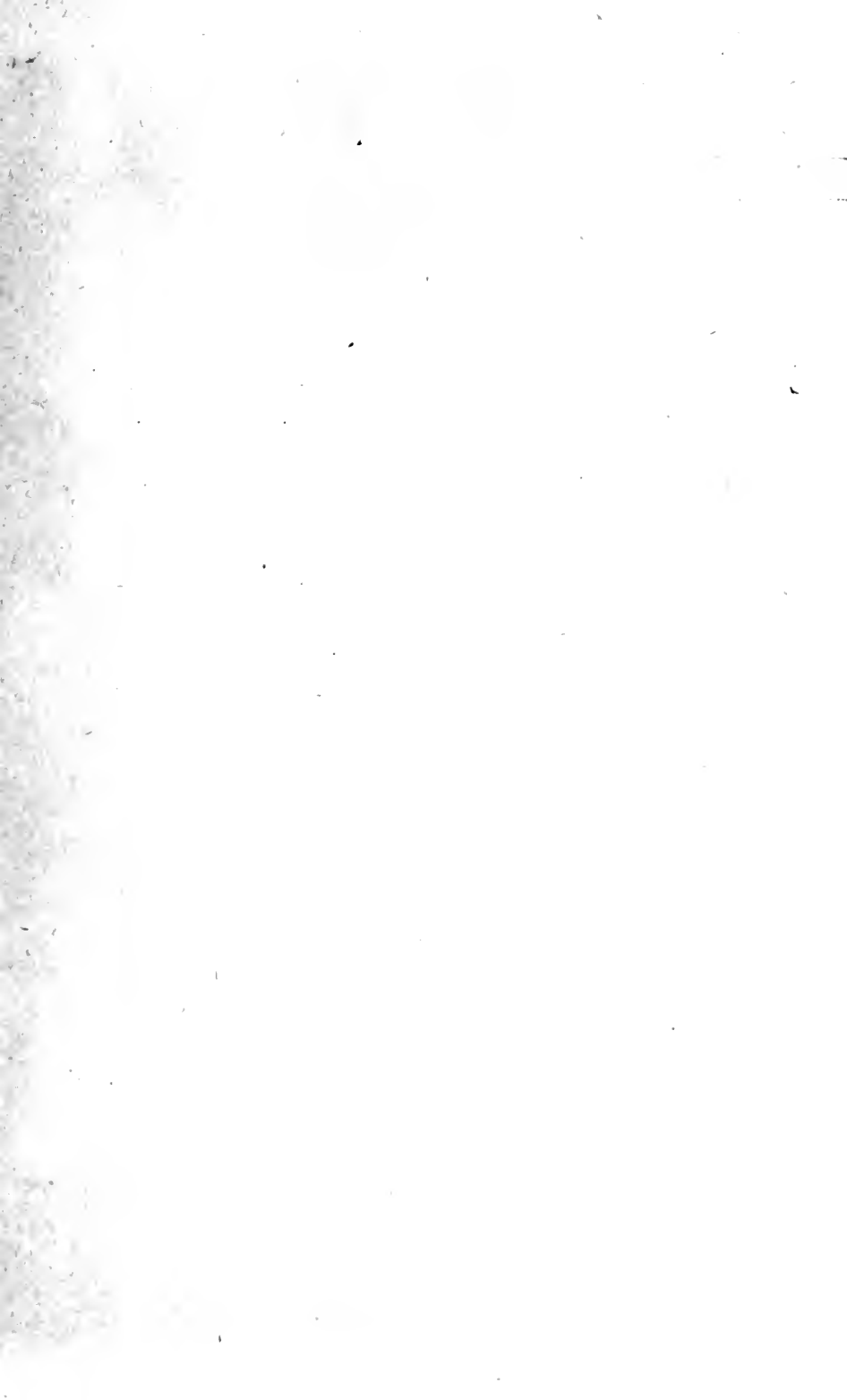






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*Graves Simcoe*

THE  
LIEUTENANT-GOVERNORS  
OF  
UPPER CANADA AND ONTARIO

1792-1899.

BY  
D. B. READ, Q.C.,

Author of "The Life of Governor Simcoe," "The Lives of the Judges," "The Life and Times of Sir Isaac Brock," "The Rebellion of 1837," etc.

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*With 22 full-page Portraits by J. E. Laughlin.*

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TORONTO:  
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I DEDICATE THESE SKETCHES  
OF THE  
LIEUTENANT-GOVERNORS OF THIS PROVINCE,  
TO  
**Sir Oliver Mowat, K.C.M.G.,**  
HIMSELF A WORTHY SUCCESSOR  
OF A  
LONG LINE OF BRAVE AND DISTINGUISHED  
SONS OF THE EMPIRE;  
FEELING THAT HIS EMINENT WORTH, AND  
OUR LIFE-LONG FRIENDSHIP,  
JUSTIFY ME IN REGARDING HIM AS A CANADIAN  
TO WHOM IS DUE MY HIGHEST RESPECT.

D. B. READ.

TORONTO, Dec. 27th, 1899.

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## INTRODUCTION.

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It was not my intention when I had completed "The Life and Times of Major-General John Graves Simcoe," and the past governors of the old Province of Upper Canada, to further pursue the investigation of the history of Canadian governors; but the favorable reception that volume received at the hands of the public has encouraged me to continue my writing of the series of lieutenant-governors from Simcoe's time to the incumbency of the present occupant of the office, Sir Oliver Mowat.

I am certain that all Canadians will take an interest in a connected historical account of the rulers that have been set over them for the last hundred years. A mere biographical sketch would hardly answer the purpose, so I have combined something of the political history of the governors with biography in order to convey a better idea of the men who have held so prominent a position as that of lieutenant-governor of this Province of the Dominion of Canada.

Before the union of the Provinces of Upper Canada

and Lower Canada, in 1841, the lieutenant-governors and the administrators of the Government who were appointed as official heads of the State during the periods intervening between the retirement of one governor and the appointment of his successor, had much more power than the governors of the present time. I have therefore included sketches of those administrators in the series of executive officers in this volume, as in more cases than one the administrators and provisionally appointed governors, in the performance of their duties, rendered very essential service to the Province whose affairs for the time being were committed to their hands.

In entitling the chapters I have followed the plan of giving to each of the Governors or Administrators his official designation in use during his term of office. Many of the governors and administrators received subsequent honors and rank, and many had military rank while holding office, but in filling the civil post of chief magistrate of the Province, the military rank was not regarded. Up to 1878 the lieutenant-governors were designated as His Excellency; after that date, as His Honor.

Special acknowledgment is made to Mr. Alfred Sandham, Toronto, for permission to make duplicates from his admirable collection of portraits of the lieutenant-governors, as well as of their autographs, which form a feature of this volume.

## PREFACE.

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The translator of Suetonius's "Lives of the Twelve Cæsars" says in the preface to his work: "Of the several sorts of history, biography is perhaps most adapted to perform the double service of administering at once delight and profit. For, though the general history of a nation, being more extended, and necessarily comprehending in it a far greater number and variety of events, may promise a higher pleasure and more diversified entertainment to the reader, yet biography, being restrained within a narrower limit, has this particular advantage, that the series of the action is embraced by the understanding with greater ease, and the instructions which arise from the most remarkable occurrences in the life of a single person are more directly and naturally applied than when the attention is dispersed through the affairs of a whole people."

These words, written in 1727, have more force now than when first published, since the vastly increased number of events happening every day makes it necessary to have recourse to biography to engage the

attention of readers, which in a general history would be distracted by the very number of historical occurrences.

In the "Lives of the Lieutenant-Governors of Upper Canada and Ontario" I have endeavored to steer a middle course, giving to each governor so much of his political history as it is necessary to know without trespassing on the domain of biography in its essential feature of individual character. Without presuming to say I have hit the happy mean, I launch my bark upon the waters trusting to an indulgent public to give it protection in its hazardous voyage.

The more one makes himself familiar with the history of the governors of a state or country, the more he will become acquainted with the country itself.

Ontario, which, under the name of Upper Canada, is the author's native province, has reason to take a pride in having had as lieutenant-governors men of sterling integrity and worth, fit representatives of the constitutional government under which they lived. That it may be always so must be the ardent wish of every lover of his country.

D. B. READ.

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# THE LIEUTENANT-GOVERNORS OF UPPER CANADA AND ONTARIO.

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## CHAPTER I.

### *JOHN GRAVES SIMCOE, LIEUTENANT- GOVERNOR.*

CANADA fell into the hands of Britain after the fall of Quebec, where Wolfe so gallantly led the attack in a contest that resulted in half a continent being added to the Empire of Great Britain. This was in 1759, and from the time of the peace of 1763 until 1791 the whole country was governed as the Province of Quebec. After the American Revolution there was a large exodus of what has been called the United Empire Loyalists into Canada, and these hardy and intrepid settlers began to form settlements and take up land in the western part of the Province. They were devoted to English laws and institutions, and it was soon seen that they would not easily submit to the French laws and customs which then obtained in Canada. The British Ministry saw that the time had come to divide the country, keeping what was to be called Lower Canada for the French and giving Upper Canada to the British. The Canada Act of 1791 was accordingly introduced and passed in the

House of Commons, establishing the new province west of the Ottawa.

For the Province of Upper Canada a governor had now to be appointed, and for this office no better man was available than the distinguished officer, Colonel John Graves Simcoe. Simcoe had served with distinction in the Revolutionary War, and when the new Republic of the United States was established had assisted many loyal emigrants who, persecuted on account of their adherence to Britain's cause, and with estates forfeited for having carried arms on her behalf, sought in the Canadian wilderness a refuge from the republican tempest blowing so fiercely to the south.

Simcoe was a member of the Parliament which passed the Imperial Act, and had acquired his knowledge of parliamentary procedure and of statecraft under the tutelage of those two great statesmen, William Pitt and Charles James Fox. He had indeed taken some part in the debate in the House of Commons which resulted in the enactment of the Canada Bill. He had further qualifications for the post to which he was appointed. As commander of the Queen's Rangers throughout the Revolutionary War he had shown his aptitude for command, a penetration which had been most serviceable to the British cause in many emergencies, a loving care for those who served under him, and administrative capacity that could not but command the respect of his superiors. Beyond and above all this he had endeared himself to all those who took part with him in the conflict which resulted in the independence of the United States. Some idea of his popularity and acceptability to Canadians in his new office of governor

may be gathered from the manner in which he was received at Johnstown on his first setting foot in the Province, in 1792, to take upon himself the responsibility of governing Upper Canada. There he was received by the inhabitants with a salvo of artillery, the ordnance for the occasion being an ancient cannon obtained from the old French fort on the island below Johnstown. Soon after the Governor left on his journey up the river, the gentry of the surrounding country, in their queer old broad-skirted military coats, their low tasselled boots, their looped chapeaux, with faded feathers fluttering in the wind, collected together, retired to St. John's Hall, and there did honor to the occasion in speech making and health drinking, as was the custom of the time. In the speech making, Colonel Tom Fraser said, "Now I am content—content, I say—and can go home to reflect on this proud day. Our Governor, the man of all others, has come at last. Mine eyes have seen it—a health to him, gentlemen—he will do the best for us."

Simcoe, whose father was commander of His Majesty's ship *Pembroke*, and who lost his life in the Royal service in the important expedition against Quebec in the year 1759, was born in 1752. His father had while on service been taken prisoner by the French and carried up the St. Lawrence, and thus had obtained a knowledge which enabled him to make a chart of that river and conduct General Wolfe in his famous attack on the citadel of Quebec. Naturally, therefore, we find him inheriting a spirit which only needed the events of the American Revolution to produce mature development.

After the death of Commander Simcoe his widow

resided at Exeter, in England, and young Simcoe was sent to the Free Grammar School of that town, and from there, at the age of fourteen, to Eton. Thence he removed to Merton College, Oxford, where his classical education was completed, and where he acquired a love of Tacitus and Xenophon which made them his constant companions in after life. By the age of nineteen he had entered on his career, obtaining then a commission as ensign in the 35th Regiment of the line. He had been but three years in the army when his regiment was despatched to America to assist in quelling the rebellion of the colonists, and he landed at Boston on the day of the battle of Bunker Hill, June 17th, 1775. Soon after this he was promoted to command a company in the 40th Regiment, and was with it at the battle of Brandywine, when General Howe defeated General Washington and became master of Philadelphia. Captain Simcoe in this battle so distinguished himself that he was marked out for promotion, and in the following October, having attained his majority in the meantime, he was made second in command of the Queen's Rangers. This regiment, originally raised in Connecticut and around New York by Colonel Rogers, and sometimes called Rogers' Rangers, was a provincial corps of light cavalry of Loyalist Americans, with attached companies of light infantry, and was originally about four hundred strong. It had done valiant service, and was severely cut up at Brandywine, and was now recruited with gentlemen of Virginia and young men of the regular army. On receiving his commission, on October 17th, 1777, Major Simcoe joined his regiment, then stationed at Germantown, now a suburb of Philadelphia. Soon after the

regiment was moved to New York, when recruiting was vigorously prosecuted in order to bring the regiment up to the required strength. During the war a company of Highlanders and a company of Irish were added to the infantry wing of the regiment, and at full strength it numbered five hundred and fifty infantry, and was one of the most efficient and active corps in the service, the companies being swift of action and adepts at ambuscade and stratagem. Until the early summer of 1778 the regiment was under command of Colonel Mawhood, and in March of that year took part in a successful expedition into the Jerseys, where they defeated a strong body of rebels under command of a French officer, who was taken prisoner. On the recall of General Howe, and upon Sir Henry Clinton taking command of the army, Major Simcoe was promoted to the command of the regiment, and at the same time was given the colonial rank of lieutenant-colonel. Marching through New Jersey in June, 1778, the Rangers encountered a force of seven or eight hundred Americans under Baron Steuben, of the American army, and General Dickenson, in command of the Jersey militia. In the engagement Colonel Simcoe was wounded. After the close of the summer campaign the Rangers wintered at Oyster Bay, Long Island.

During the campaign of 1779 the Rangers were principally occupied in endeavoring to keep down the rebels in the Jerseys, but in October, in an expedition near Brunswick, Simcoe was ambuscaded, had his horse shot under him and himself taken prisoner, and was kept prisoner, undergoing considerable hardship, until the end of the year, when he was exchanged

and rejoined his regiment at Richmond. He served with his regiment until after the capitulation of Yorktown, in October, 1781, and his health being bad, was invalided home on parole, and on his arrival home his rank of colonel in the provincial was confirmed in the regular army. He was released from parole in January, 1783, and from that time until 1791 lived in retirement in England.

Soon after his return to England he married Miss Guillem, a relative of Admiral Graves, who had been in command of the naval force at Boston during the Revolutionary War. She was an accomplished lady, and a talented artist and draughtswoman. Some of her sketches, made during her residence in Upper Canada, are still preserved as the only memorial of certain of the old notable buildings of the day.

In 1790 Colonel Simcoe was elected member of Parliament for the borough of St. Maws, Cornwall, and one of the first debates after he had taken his seat was that of April, 1791, when the Quebec Government bill was introduced by Mr. Pitt, and was vigorously opposed by Mr. Fox. It was over the constitution formulated by this Act that many and bitter contests were waged by Papineau, Mackenzie and other leaders of the rebellion of 1837. From the time of the introduction of the bill constant objection was made to the Legislative Council—the second chamber, appointed by the Crown—that, too frequently to please the aggressive Assembly or Commons, ignored the clamor of that body, and carried on the Government regardless of its wishes. In this debate Simcoe acquired some knowledge of his future sphere of action and of the rival elements, then indeed

rather confined to the Lower Canadian Province—elements which he saw would not fuse, and whose fusion was rather prevented than aided by the Loyalists and Rangers, exiles from the United States, whose rooted conservatism was no friend of the Republicans of either of the Canadas.

Early in 1792 Simcoe organized his Government at Kingston. The organization and ceremonies attending, conformably with the wishes of the Governor, partook of a religious character, and took place in the wooden church opposite the market-place. After the Proclamation appointing Lord Dorchester Governor-General and John Graves Simcoe Governor of Upper Canada was solemnly read and published, the oaths of office were administered to His Excellency the first Governor of the Province. According to the Royal instructions he was to have five individuals to form his Executive Council. The five named were William Osgoode, William Robertson, James Baby, Alexander Grant, and Peter Russell, Esquires. These appointments were made on the 8th of July. On the following Monday Messrs. Osgoode, Russell, and Baby were sworn into office. Robertson was not then in the Province. Grant was sworn in a few days afterwards.

The Legislative Councillors were not elected till the 17th July, 1792, when a meeting of the Executive Council was held at Kingston, and the following gentlemen appointed: Robert Hamilton, Richard Cartwright, and John Munro. On the 21st July the Governor left Kingston for his new capital of Newark, now called Niagara. The first Parliament of Upper Canada was held at Newark on the 21st September,

1792, in answer to a call by His Excellency Governor Simcoe In his address to the House the Governor remarked upon the "wisdom and beneficence of our most gracious Sovereign and the British Parliament, not only in imparting to us the same form of government, but in securing the benefit by the many possessions which guard this memorable Act (the Constitution of the Province), so that the blessings of our invulnerable constitution, thus protected and amplified, we hope will be extended to the remotest posterity."

There were only eight Acts passed this session, but they were Acts of a practical character, and such as were required for the early development of a new province. The Legislature was prorogued on the 17th October, 1792.

The second session of Parliament was held at Niagara on the 31st May, 1793. The most important paragraph in His Excellency's speech on opening the House was that which referred to the declaration of war by France against Great Britain, and the necessity which existed for the new modelling of a Militia bill for the Province, and to call to the recollection of the House "how often it had been necessary for Great Britain to stand forth as the protector of the liberties of mankind."

Before the next session of Parliament officialdom had taken its flight from Newark, and had become domiciled in York, which before this migration had been called Toronto. There can be no doubt that Governor Simcoe conferred this name of York upon the place, or that it came to be so called from the fact that he so named the harbor in honor of the Duke of York, the King's son.

The Governor, in selecting York for his new capital,



was no doubt influenced by the fact that it had a magnificent harbor, and was distant from the United States frontier.

On the 26th August, 1793, the following order was issued from the Governor's headquarters :

“ YORK, UPPER CANADA,

“ 26th August, 1793.

“ His Excellency the Lieutenant-Governor having received information of the success of His Majesty's arms under His Royal Highness, the Duke of York, by which Holland has been saved from the invasion of the French armies, and it appearing that the combined forces have been successful in dislodging their enemies from an entrenched camp supposed to be impregnable, from which the most important consequences may be expected, and in which arduous attempt the Duke of York and His Majesty's troops supported the national glory, it is His Excellency's orders that on raising the Union Flag at twelve o'clock to-morrow, a Royal salute of twenty-one guns be fired, to be answered by the shipping in the harbor in respect of his Royal Highness, and in commemoration of the naming of this harbor from his English title, York.

“ E. B. LITTLEHALES,

“ *Major of Brigade.*”

The first meeting of the Executive Council after the removal of the capital from Niagara to York was held at the Garrison in August, 1793.

Governor Simcoe, always watchful of the people's interests, and to encourage the fur traders of the North and West to bring their pelts to York, in October, 1793.

accompanied by a party of officers, explored the country between York and Lakes Simcoe and Huron. Having made his exploration, in January, 1794, the Government surveyor, Augustus Jones, was ordered by the Governor from Niagara to York to direct operations in opening a road through the territory explored between York and Lake Simcoe. The work was soon accomplished by the Queen's Rangers, Simcoe's regiment, and the street or road was named Yonge Street after Sir George Yonge, Secretary of War in 1791.

In 1794 Governor Simcoe got into an entanglement with the high officials of the United States, arising out of a matter of great importance both to the United States and Great Britain. This matter was the erection of a fort by Governor Simcoe at the foot of Miami Rapids, about fifty miles from Detroit, and within what was claimed as American territory. Governor Simcoe was quite within his duty in erecting this fort, under the instructions of Lord Dorchester, the Governor-General and Commander-in-Chief. The Americans thought or affected to think that the British were erecting this fort in order to give aid and countenance to the western Indians, who were at war, or on the brink of war, with the United States, in a matter of difference as to the boundary between the United States and the Indian territory to the west. The western boundary of the United States was then undefined. The great West had not then been opened up or even explored, and was known as Indian territory, and further as the "Great American Desert." These plains were peopled by roving bands of Indians, many of whom claimed the protection

of and professed allegiance to Britain, and this fort was now erected in what was considered by the British Government to be Indian and not United States territory, with a view to protect British fur traders and to maintain watch over the excitable and often treacherous Indians.

Governor Simcoe in a spirited manner vindicated his conduct, and showed that instead of erecting the fort to assist the Indians it was done upon the principle of self-defence. In a paragraph in his reply to Secretary Randolph's complaint, he wrote: "My having executed the order of His Majesty's Commander-in-Chief in North America, Lord Dorchester, in reoccupying a fort on the Miami River, within the limits of those maintained by the British forces at the peace in 1783, upon the principle of self-defence, against the approaches of an army which menaced the King's possessions, is what I presume Mr. Secretary Randolph terms Governor Simcoe's invasion."

In 1794 General Simcoe was promoted to the rank of major-general.

During the winter of 1794-95, Governor Simcoe was engaged in projecting plans for the future of York, and arranging for its civil and military administration. A soldier himself, he could bivouac in his tent, but arrangements had to be made for public buildings for the accommodation of officials and for the meeting of the Legislature. We have the authority of Mr. Bouchette, who surveyed Toronto harbor, for saying that His Excellency, in the winter of 1793-94, made his headquarters in the neighborhood of the Old Fort, at the

entrance of the harbor, in a tent or canvas house which had served Captain Cook in his voyage round the world and was now the property of Governor Simcoe. After the Governor had got fully established at York, he spent part of his time at Castle Frank, on the bank of the Don, built by the Governor and named in honor of his oldest son and heir, Frank Simcoe. It thus seems that some idea of perpetuating his son's name still remained with the Governor, though far removed from his native land of hereditary honor and degree.

Although the Governor had removed his headquarters to York, the Parliament in 1795 assembled at Niagara as before, in consequence of the non-completion of the public buildings at York. In June, 1795, the Governor entertained the Duke de la Rochefoucauld Liancourt, who in a book of travel gave a very graphic description of his reception, and the ceremonies attending the opening of Parliament, which took place during his visit. In his reference to the Governor, Liancourt wrote: "He is just, active, enlightened, brave, frank, and possesses the confidence of the country, of the troops, and of all those who join him in the administration of public affairs."

This and much more he says of him. Surely this is a worthy monument to his memory.

The session of Parliament of 1795 was a short but important one. It lasted only fourteen days, but during that period the legislators were enabled to pass laws to regulate juries and to "establish a superior court of civil and criminal jurisdiction, and to regulate the Court of Appeal," and some other equally useful measures.

In this same year Governor Simcoe visited the cele-

brated Indian Chief, Joseph Brant, at the Grand River, and had a conference with him in regard to Indian lands. The Governor was always foremost in his advocacy of Indian claims, and was the steadfast friend of the Indians during the whole of his administration of the Government of Upper Canada.

On the 1st December, 1796, Governor Simcoe was appointed Civil Governor of St. Domingo, and Commander-in-Chief in the room of Sir Adam Williamson.

St. Domingo was then divided into two parts, one of each being held by the British and French. On Simcoe's arrival there he found the island in a state of turmoil, and he was kept in a state of continual warfare with the celebrated Toussaint L'ouverture, the negro general, at one time leader of the black insurgents, but now appointed by the French Government General-in-Chief of the armies of St. Domingo.

In August, 1797, wearied of a conflict in which he had no support, he went to England to procure a sufficient force. But England had too much use for her soldiers on the continent, and none could be spared. Remaining in England, Simcoe was made a lieutenant-general in 1798, and had no service until August, 1806, when he was appointed a commissioner to the court at Lisbon, to command an army of protection against France, then threatening to invade Portugal. On the voyage out he was taken ill and compelled to return to England, where he died soon after his arrival.

A monument to his memory may yet be seen in the walls of Exeter Cathedral, suitably inscribed, and is as follows :

SACRED TO THE MEMORY  
OF  
JOHN GRAVES SIMCOE,  
LIEUTENANT-GENERAL IN THE ARMY, AND COLONEL OF  
THE 22ND REGIMENT, OF YORK,  
WHO DIED ON THE 25TH DAY OF OCTOBER, 1806,  
AGED 54 YEARS.

In whose life and character the virtues of the hero, the patriot, and the Christian were so eminently conspicuous that it may be justly said, he served his king and his country with a zeal exceeded only by his piety toward God.





*Peter Russell*



## CHAPTER II.

### *THE HONORABLE PETER RUSSELL, PRESIDENT.*

MR. RUSSELL, who succeeded Governor Simcoe as Administrator, was of the Irish branch of the family of Russell, of which the Duke of Bedford was the head, and therefore connected with one of the most aristocratic families of England. Lord John Russell, Premier of Britain in after years, was of that family.

Peter Russell, son of Captain Richard Russell, formerly of the 14th Regiment of Foot, according to his own statement, had the misfortune to be descended from ancestors who, studying only to enjoy the present, never thought of making provision for the future. He was educated for the Church, but, as he says, imprudently chose to follow the profession of his father, and entered the army under the patronage of General Henry Braddock and Lord Albemarle. After two years' service as ensign—without pay—he purchased a lieutenantcy of a man three months after he was dead, according to the peculiar system of purchase then existing, and ultimately, after twenty-six years of service in all parts of the world, attained a captaincy. He was soon after received into the family of Sir Henry Clinton as one of his secretaries, acting in that capacity to the end of Sir Henry's command during the Revolutionary War.

Previously to coming to America with Sir Henry, in 1772, he sold his company in the 64th Regiment. He made this sacrifice for the best of motives—to raise money to relieve his then aged father of a load of debt and to make some provision, in case of his fall, for his sister, Elizabeth, to whom he was devotedly attached. The close of the Revolutionary War found him back in England without employment, and we find him in 1789 applying to Clinton for influence to obtain the command of Landguard Fort. In this project he failed, but soon after he succeeded in obtaining a position under Major-General Simcoe, then appointed to the Government of Upper Canada, and came with him to this country as his Inspector-General in 1792.

There was no other person in the Province at the time of Governor Simcoe's surrender of the government on whom his mantle could so suitably have fallen as on the Honorable Peter Russell. He came over from England with Governor Simcoe as Inspector-General of the Province, and had an intimate acquaintance with the plans and designs of the first Governor. Hence he knew of Major-General Simcoe's determination to fix the permanent capital of the Province at York, although Simcoe's Chief Justice, Elmsley, strongly protested against the seat of government being established there; alleging as his reason, not only that he would be unable to get a jury in York to fill up the complement of his court, but because there was no accommodation in the embryo capital for the members of parliament. Both these reasons failed to satisfy Governor Simcoe, and evidently had no weight with Mr. Russell who succeeded him in the administration of affairs.

Mr. Russell, immediately on Governor Simcoe selecting York (the present city of Toronto) for his future capital, left Niagara, visited Toronto, and built for himself a house near the bay shore on Palace Street, at the foot of Prince's, now called Princess Street. Early in 1797 this house was destroyed by fire, when Mr. Russell built a house on the same site, generally known as "Russell Abbey." This was a frame structure, not extraordinarily large—in fact, a rather small house of one storey, with a main body and two wings. It would not pass at the present day as a house of any great pretensions, but in the days of President Russell it was, no doubt, one of the mansions of the western colony, and worthy of its somewhat imposing name. This house, the residence of the President, was afterwards sometimes called the "Palace." This may have been because of its being situated on Palace Street, or because of its being opposite the new Parliament Buildings; or it may have been so called by reason of its being the residence of the Governor; or, more probably because it was for some time the residence of Bishop Macdonnell. Be that as it may, the mansion served for many years to house the chief executive officer of the Province, who never took unto himself a wife, and was content to pass his days in this small but convenient building.

President Russell was not a man of a grasping nature, although circumstances which occurred during his administration, and the gossip of the time which has been carried down to us as history, would almost make one believe that he was a land speculator or land jobber in a high place. The wags of the day and those who were jealous of his acquisition of large tracts of land

used to make fun of the conveyance of those lands or land grants as made by Peter Russell to Peter Russell—“I, Peter Russell, grant to you, Peter Russell,” etc.

It was looked on as a good joke on the President, and afforded no end of amusement to certain individuals in York who were very glad to have a thrust at any one in authority. The trouble was that these grants were necessarily made in this form owing to the position Mr. Russell held, that of Governor or acting Governor and grantee at the same time. The British Government authorized the President to grant six thousand acres of Crown lands to each of the members of the Executive Council, and its president had no alternative but to put his name to the grant to himself as well as to those to the other members of the Executive Council of the Government.

Mr. Russell was what might be called an Irish gentleman of the old school, and to maintain his dignity sought to make himself proprietor of a considerable estate. No doubt in his view no Irish gentleman should be without large landed estates. His opportunities were great, and he in fact did become a large landowner. But there was nothing in his acts in acquiring these acres which in any way reflected upon his character as a public man. The Crown lands were at that time wild forest lands of little value. His ambition was to be considered a large landed proprietor, but far from the land being of any profit to himself, those at least outside of the limits of York, were rather an encumbrance. On his death his real estate in the Province passed to his sister, Miss Elizabeth Russell, as his heiress-at-law, who had lived with him in his house at the foot of Prince's

Street. Miss Russell was a very charitable lady, with a large Irish heart, and was greatly esteemed by all who knew her. She survived her brother many years, and died in Russell Abbey.

As soon as installed in the office of administrator of the Province, the President set about making preparations for calling together the second Parliament of the Province at York, in accordance with instructions which Major-General Simcoe had given to that end. In accordance with these instructions the Parliament met at York, the new capital, on the first day of June, 1797. This was the first session of Parliament of the Province convened in York, the sessions of the previous parliaments and the first session of the second having been held at Niagara.

The buildings in which Parliament met were two modest one-storey 40 x 25 frame buildings, at the foot of Berkeley Street, one for the Assembly and the other for the Legislative Council. These buildings were one hundred feet apart; they were projected in 1794, and proceeded with and finished in the period intervening between Governor Simcoe's departure from the Province in 1796 and the assembling of Parliament in 1797. Many Acts of Parliament were passed during the three years of the administration of the Honorable Peter Russell, well calculated to solidify the structure of government commenced under the paternal care of Governor Simcoe. It was President Russell's plan to follow in the footsteps of Simcoe in all matters pertaining to the welfare of the Province. Hence we have Acts of Parliament passed during his administration to "secure the Province against the King's enemies;" "for securing

titles to land in the Province;" "for regulating the militia of the Province;" Acts relating to the division of the Province into counties; the education and support of orphan children; and the further introduction of the Criminal Law of England.

There were other Acts not less important, though of a local character, all tending to develop the resources of a new country and to heighten the energies of its people.

President Russell, familiar with the policy of the British Government in its treatment of the Indians, was ever watchful of their interests. On one occasion, when the Indians complained to him that depredations had been committed by some lawless persons on their fishing places and burial grounds, he speedily issued a proclamation announcing that such practices must cease, or the parties offending should be prosecuted with the utmost severity and a proper example made of them.

Some writer has imputed it as a fault in the Honorable President that he owned and sold slaves. This arises from an advertisement which appeared in the *Gazette and Oracle* newspaper in February, 1806, in which His Honor offered for sale "a black woman named Peggy, aged 40, and a black boy, her son, aged 15." What had been imputed as a fault was no fault at all, as those slaves were brought with him when coming to the Province, and were as much his property as any other property owned by him.

The Act of the Parliament of the Province passed on the 9th of July, 1793, did not absolutely abolish slavery in the Province; it only made illegal the future importation of slaves and declared the emancipation of those then

held at a certain period. The second section of the Act of 1793 provided that "nothing in the Act contained should extend or be construed to extend to liberate any negro or other person subject to slave service, or to discharge them or any of them from the possession of the owner thereof who shall have come or been brought into this Province in conformity to the conditions prescribed by any authority for that purpose exercised, or by any ordinance or law of the Province of Quebec, or by proclamation of any of His Majesty's governors of the said province for the time being, or of any Act of Parliament of Great Britain, or shall have otherwise come into the possession of any person by gift, bequest or *bona fide* purchase before the passing of this Act, whose property therein is hereby confirmed."

Not only was the President not violating any law existing at that time in the transaction of the sale of his negro slaves, but if his advertisement received a response and an actual sale made, it can in no way be made to sully his fame as administrator, as the sale, if made, was not till several years after he had ceased to be administrator of the Province.

Mr. Russell remained in office as administrator till the arrival of Governor Hunter, in 1799, when he handed over the government to that gentleman. The Honorable President's name is perpetuated in Toronto by more than one landmark. Russell Square, on which old Upper Canada College was built, owes its name to President Russell. Russell Hill, in North Toronto, was named after him and given that name in memory of the Russell Hill estate in Ireland, which was the name of the estate of the Irish branch of the family. Peter

Street, Toronto, is named after President Peter Russell. Russell Abbey is no more; like most of the first buildings in York and Toronto, its perishable frame walls were doomed to submit to the inevitable hand of time. It was a notable building in its day, and the residence of the President of the Council was a centre of attraction to visitors to York. Mr. Russell occupied the Abbey till the time of his death on the 30th September, 1808.

There was great intimacy in the days of President Russell between himself and his sister and Dr. William Warren Baldwin and his family, who were connected with the Russell family by marriage.

After Mr. Russell's death Mr. Baldwin occupied Russell Abbey for a time, and on the death of Miss Russell, in 1821, he and his family, under the will of that lady, became beneficiaries of what had been the Canadian estate of Administrator Russell, or so much of it as remained undisposed of at her death. This bequest of Miss Russell's has always been supposed to have laid the foundation of the fortune of the Baldwin family.

Mr. President Russell was buried with military honors, and was followed to the grave by many sincere mourners, the principal of whom was Francis Gore, at that time Governor of the Province.



## CHAPTER III.

### *PETER HUNTER, LIEUTENANT-GOVERNOR.*

It was the policy of the British Government in Governor Simcoe's time, and thenceforward for nearly half a century, to have at the head of the Government in Upper Canada a military man, who from his strength and position would command the confidence of the people of the Province.

If an officer of the army could be found competent to fill the office of Governor, and who at the same time had been in the service during the Revolutionary War, so much the better. Such a man may reasonably be supposed to have had some knowledge of the United Empire Loyalists, who had been engaged in the same service, and who now had become the forest rangers and the cutters and tillers of the virgin soil of a new, unreclaimed domain.

The Honorable Peter Hunter, the first regularly appointed Lieutenant-Governor to succeed Governor Simcoe, was fifty-three years of age when he assumed the governorship of Upper Canada, and, like Simcoe, before coming to the Province had undergone much hardship in the military service of the Crown, in the endeavor to put down the rebellion of the King's subjects in America. Of his antecedents before coming to

America not much is known. He was born in the year 1746, and was of a Scottish family, seated at Auchterard, in Perthshire. He took to military life at an early age, worked his way up from small beginnings, became colonel of the 60th Rifle Regiment, and finally attained the rank of lieutenant-general.

General Hunter had been appointed Commander-in-Chief of His Majesty the King's military forces in British North America before coming to Upper Canada, and when he was appointed Lieutenant-Governor of Upper Canada he retained the post of Commander-in-Chief of the forces.

On his arrival at York in August, 1799, he was met at the landing by the Queen's Rangers, whom he had known so well during the Revolutionary War as Simcoe's regiment, and later in the day received an address from the inhabitants of York, congratulating him on his safe arrival and appointment as Lieutenant-Governor. His reply to this address was characteristic of the man. It was not his custom to waste many words. Duty had his first call, and that he performed with marked ability. His answer to the address by the inhabitants of York was a model of military precision and brevity: "Gentlemen,—Nothing that is within my power shall be wanting to contribute to the welfare of this colony."

The new Governor was of the opinion that his military duties should always have precedence over his civil duties. He considered that, for a time at least, the civil affairs of Upper Canada could be safely administered by a commission, composed of prominent men in whom he had confidence. He would not relegate his duties of Commander-in-Chief to another

The principal forces of His Majesty in America at the time were in the Province of Lower Canada. Quebec, that fortress commanding the gateway from the sea, always demanded the closest attention of the King's officers in British America. The Governor did not remain long in York on the occasion of his first visit. On the 5th of September he crossed the lake to Niagara to inspect the troops in that garrison. On the 13th September he left Niagara for Kingston on a Government vessel, receiving a salute of the American garrison at Fort Niagara by the hoisting of the American flag in his honor. On arriving at Kingston and inspecting the troops there, he proceeded to Lower Canada to finish his duties in that Province. On leaving Upper Canada he entrusted the Government to a commission composed of the Honorable Peter Russell, previous president and administrator, the Honorable J. Elmsley, Æneas Shaw, Esquire, and the Honorable Peter McGill—all or any one of whom were well qualified for the posts they were appointed to fill. Governor Hunter's military duties detained him in the Province of Lower Canada till the following spring, when he returned to the Upper Province and entered upon the active performance of his civil duties as Governor.

As soon as convenient after his return to Upper Canada he proceeded to call a meeting of the Provincial Parliament at York, which in obedience to his summons convened on the 2nd day of June, 1800.

There were only six Acts of Parliament passed during this session, which was the fourth and last session of the second Parliament of the Province. Two of these Acts were of great general importance. One of them was

“An Act for the more equal representation of the commons of Upper Canada in Parliament, and for better defining the qualification of electors;” the other, “An Act for making a temporary provision for the regulation of trade between this Province and the United States of America, by land or by inland navigation.”

This Act was supplemented by another Act in the first session of the next Parliament, of a still more important and permanent character than the Act in relation to trade between the United States and Upper Canada of the first Parliament. The facts seem to have been that at this period it was much cheaper for the merchants of Upper Canada to get in goods from Albany and New York than from England. These goods were let in at a lesser duty than English goods, and the cost of carriage was so disproportionate that British interests demanded that a remedy of the evil, from an English point of view, should be applied. The remedy consisted in the passing of an Act by the Legislature for levying the like duties on goods brought into the Province from the United States as was paid on goods imported from Great Britain and other countries.

Both the Inland Revenue and the Customs duties on foreign goods received a good deal of attention during the administration of Governor Hunter. The increase of trade at York necessitated the appointment of a Customs collector at that port. The first to fill that office was Mr. William Allan, appointed by Governor Hunter in 1801. Mr. Allan's name frequently appears about this time in connection with public affairs. In June, 1801, his name appears in the *Oracle* at the foot of an advertisement as Returning Officer for the Counties

of the East Riding of York, Durham and Simcoe, calling on those counties conjointly to elect a knight to represent them in Parliament in pursuance of a writ issued by His Excellency Peter Hunter, Esquire, directing him, William Allan, returning officer, "to cause one knight, girt with a sword, the most fit and discreet, to be freely and indifferently chosen to represent the aforesaid counties in Assembly by those who shall be present on the day of election." From the language of this writ it would appear that the official designation of members of the Assembly at that time was "Knight." As a matter of fact they had not received the Sovereign's patent conferring such title, and the writ was a survival of the old English form imported to Canada, which could not much longer survive in a democratic age.

The Governor, a man of noble character and great integrity in the performance of his civil, administrative and executive acts, and without undue severity, was yet resolute in his purpose that every official connected with the Government should be assiduous in the duties devolving on him.

In illustration of this trait in the Governor's character this incident is related. Certain Quakers of the country north of the Ridge to the north of York, complained to His Excellency of great delay in receiving their patents for lands which they had taken up in that region. The Governor at once sent for the Surveyor-General, D. W. Smith; Mr. Small, Clerk of the Executive Council; Mr. Burns, Clerk of the Crown; and Mr. Jarvis, Secretary and Registrar of the Province, to wait on him the next day at noon, appointing the same hour for the Quakers to attend.

All being present at the appointed time, the Governor, addressing the officials, said to them: "These gentlemen complain that they cannot get their patents." Each of the officials began to offer excuses for the delay. Mr. Jarvis, the secretary and registrar, when it came to his turn, endeavored to explain by asserting that the pressure was so great that he had been absolutely unable, up to that time, to get ready the particular patents referred to. "Sir," was the Governor's immediate rejoinder, "if they are not forthcoming, every one of them, and placed in the hands of these gentlemen here in my presence at noon on Thursday next (it was now Tuesday), by George, I'll un-Jarvis you." It is needless to say the Quakers got their patents and the storm blew over. This incident has much of the military court-martial aspect about it, but then the Governor was more of a military man than a civilian, and the threat to unhorse one of the officials had its effect.

The Governor not only kept the heads of departments strictly to the performance of their duties, but required their subordinates to give full time to their offices. He had published in the *Gazette* a notice requiring regular attendances for the transaction of public business in the Government offices every day in the year (Sundays, Good Friday and Christmas Day only excepted) from ten o'clock in the morning till three in the afternoon, and from five o'clock in the afternoon till seven in the evening.

In the year 1798 the Legislature had enacted that as soon as the counties of Northumberland and Durham made it appear to the Lieutenant-Governor that there were a thousand souls within said counties, he was

authorized to issue a proclamation declaring them a separate district, to be called the District of Newcastle. This the Governor was enabled to do in 1802. In closing the Legislature he, in his address to Parliament, said: "The erection of a new district gives me particular satisfaction, being an indication of the increasing population of the Province and of the happy effects of that plenty and security which, by the blessing of Providence, we at present possess."

In 1803 the population of York had so increased that there was an imperative demand for a public market. Accordingly we find that on the 3rd of November in that year the Governor issued a proclamation that he, the Governor, with the advice of the Executive Council, to promote the interests, advantages and accommodation of the town and township of York and other of His Majesty's subjects in the Province, ordained, established and appointed a public open market to be held on Saturday in each and every week during the year in said County of York, the first market to be held on a certain piece or plot of land in said town.

The plot of land, which is fully described and delimited in the proclamation, was five and one-half acres, bounded by Market, New and Church Streets.

This is the origin of the first market in York, now Toronto. In the same year, 1803, in which it had become necessary to establish a public market in York, the Legislature was impressed with the belief that there were not enough lawyers in the Province to attend to the wants of the people. Consequently an Act was passed "to authorize the Governor, Lieutenant-Gover-

nor, or persons administering the government of the Province, to license practitioners in the law." It was not necessary that such persons should have qualified themselves by a course of study, but sufficient for them to have talent that commended them to the consideration of the Court of King's Bench. Acting under this authority, and certificates of fitness obtained from the King's Bench, Governor Hunter, by proclamation, designated Dr. W. W. Baldwin, of York; William Dickson, of Niagara; D'Arcy Boulton, of Augusta; and John Powell, of York, as fit and proper persons to practise the profession of the law and act as advocates in the courts after having been duly examined by the Chief Justice. The gentlemen thus appointed were afterwards sometimes alluded to, by persons jealous of their preferment, as the "heaven-descended barristers."

During Governor Hunter's administration the Duke of Kent, father of Her Majesty Queen Victoria, paid a visit to Canada. His Grace was at that time Commander-in-Chief of the forces at Halifax, and made it a point to visit Niagara Falls. In the course of his journey he visited York, when he was a guest of General Æneas Shaw at Oakhill, and at Niagara was entertained at Navy Hall, the official residence, when the little town was beautifully illuminated in his honor.

Governor Hunter was at all times watchful of the interests of the Province and active in promoting the proper development of the country which he had been appointed to govern. In 1804 the Provincial Government passed "an Act appropriating a certain sum of money annually to defray the expenses of erecting certain public buildings to and for the use of the Province."



The buildings referred to were the buildings for Parliament, the courts of justice, public offices and for general necessities of government. The sum granted was four hundred pounds annually. This sum was, in the judgment of the Governor, so much below what was really required for buildings for the public service, that His Excellency, as an Imperial officer, in sending an address of the Legislature to the Government of England on the matter, informed that Government "that there was not a single public building. The several offices had been established in private houses built for that occasion. The Executive met in a room in the clerk's house. The Houses of the Legislature assembled in two rooms, erected nine years before as a part of the buildings designed for Government House. The Court of Appeal, King's Bench, District Court and Masters' Sessions all held their sittings in the same place."

The two rooms referred to were doubtless the two modest frame buildings which had been used for the Legislative Chambers in the administration of the Honorable Peter Russell. These buildings Governor Hunter scornfully designates as only rooms. They had been, however, connected with a colonnade, giving the appearance of being larger than they really were.

The colonnade must have been of good height, for it was under that colonnade that was erected the hustings for the election of a knight to represent the counties of Durham, East Riding of York, and Simcoe, of which election William Allan was returning officer, as already referred to.

Of Lieutenant-Governor Hunter personally may be said, that he was an honorable, conscientious man, very

much devoted to the military profession and to his duties of Commander-in-Chief of His Majesty's forces in the Province of Canada. In his capacity of Civil Governor he trusted so much to his Executive Council that he was reproached in some quarters for not exercising more arbitrarily his civil power ; though in the case of Secretary Jarvis and the Quakers we are able to see that he could when necessary in the exercise of that power be strict, even to the verge of arbitrariness.

It has been said that the members of his Council in some cases took advantage of his over-confidence in them unduly to promote the interests of their families and friends, in securing for them grants of land and other benefits, to the detriment of the actual settlers.

That the actual settlers, U.E. Loyalists and their families, were sometimes inconvenienced, and, it may be, deprived of land and other possessions which they considered had been guaranteed to them by the British Government, to the advantage of the new immigration taking place in the Province, there seems to be little doubt. But it must be remembered that during Governor Hunter's time many loyal subjects of the Crown, whom the Irish rebellion of 1798 had compelled to leave Ireland, had come to Canada to make that colony their home. Thence both the Governor and Council had two sets of loyalists to serve, the Irish and the American loyalists, and it was inevitable that in serving both it was hard to avoid offending one or other of the rival claimants to lands and offices. It is not surprising, therefore, that the U.E. Loyalists of America should have been chagrined at the fresh importation of land-seekers, and vented their spleen on the Council, who

were, as the U. E. Loyalists thought, too ready to make provision for the newcomers, in some cases to the injury of the original locatee of land and claimant of the right to implements with which to work that land.

If the Governor showed any weakness in the matter all was done in the interests of as faithful subjects of the King as those who may have been unfairly treated.

Governor Hunter, like his predecessor, the Honorable Peter Russell, died as he lived, a bachelor. He expired at Quebec on August 21st, 1805, in the sixtieth year of his age, and was buried in the cemetery attached to the English cathedral in that city. A loving brother caused a tablet to be placed on the walls of that cathedral on which is inscribed his epitaph, which, though modest, truthfully records the prominent features of his life. The memorial states that "his life was spent in the service of his King and country; of the various stations, both civil and military, which he filled, he discharged the duties with spotless integrity, unvaried zeal, and successful abilities."

## CHAPTER IV.

### *ALEXANDER GRANT, PRESIDENT.\**

THE death of Governor Hunter, creating a vacancy in that office, necessitated the appointment of an administrator to represent the Crown till the coming of the next lieutenant-governor.

At this juncture the senior member of the Executive Council was the Honorable Alexander Grant, who was also Lieutenant of the County of Essex. It may seem strange at this day to speak of one as lieutenant of a county, but at the time of which we are writing lieutenants were appointed by the Crown for each county of the Province. These lieutenants of counties had been established by Lieutenant-Governor Simcoe, to fill positions similar to those of the lord lieutenants of counties in England. To this end the Parliament of the Province, during his administration, had passed an Act appointing certain individuals lieutenants of counties.

The Upper Canada Almanac, published at York in 1804, gave a list of lieutenants of counties as then existing, and in the lists is the name of the Honorable Alexander Grant. The title is now, and has been for nearly

\*I wish to express my obligation to Judge Woods, grandson of Commodore Grant, for information as to the Commodore, which I have incorporated in this sketch.

a century, extinguished, but it will not be out of place to give the full list as published in the Almanac. The names were: "John Macdonell, Esq., Glengarry; William Fortune, Esq., Prescott; Archibald Macdonell, Esq., Stormont; Honorable Richard Duncan, Esq., Dundas; Peter Drummond, Esq., Grenville; James Breakenridge, Esq., Leeds; Honorable Richard Cartwright, Esq., Frontenac; Hazelton Spencer, Esq., Lennox; William Johnson, Esq., Addington; John Ferguson, Esq., Hastings; Archibald Macdonell, Esq., of Marysburgh, Prince Edward; Alexander Chisholm, Esq., Northumberland; Robert Baldwin, Esq., Durham; Honorable David William Smith, Esq., York; Honorable Robert Hamilton, Esq., Lincoln; Samuel Ryerse, Esq., Norfolk; William Claus, Esq., Oxford; (Middlesex vacant); Honorable Alexander Grant, Esq., Essex; Honorable James Baby, Esq., Kent."

The Honorable Alexander Grant was one of the five members of the Executive Council appointed in 1792, and as senior member of that branch of the Government, on the death of Governor Hunter, became temporary Governor of the Province under the name of President. In the Revised Statutes of Upper Canada, published by authority, the name of Alexander Grant, Esq., as President, is recorded as having opened the second session of the fourth Provincial Parliament in 1806. Just as the bent of Governor Hunter, the last governor, was military, the bent of the new administrator was mostly naval.

Mr. Grant, who was of the ancient and respectable family of Grant, of Glenmorrhistown, and who was born in the year 1734, had in his youth been first in the

merchant service, and then in a man-of-war as midshipman. In 1757, during the Seven Years' War, a Highland regiment was being raised for service in America, and young Grant received a commission in it. He served under General Lord Amherst in the war with the French in Canada, resulting in the capture of Quebec in 1759, and the surrender of the whole of Canada to the British in 1760.

Grant's early training as midshipman in the naval service opened a door for him to promotion that he little expected when he came to America as an officer in the land forces. In the prosecution of the war against the French in Canada, it became necessary to have ships for transporting troops and supplies on the lakes dividing the French possession (Canada) from the British territory on the south of Lakes Ontario and Erie. For these ships there was urgent need for competent commanders. In this emergency the experience that Grant had in the naval service stood him in good stead. He was at once detached from the land force and put in command of a sloop of sixteen guns.

From that time forward till the time of his death he continued to be connected with the naval service, and became known to the people as Commodore Grant. Later on, he was in command from Niagara to Mackinaw, and was the first commodore of the western waters, with headquarters at Detroit, which was then one of the most important military positions on the continent of America. In 1780 the captains and crews of nine vessels were under pay at Detroit, and a large dockyard was maintained there. The Commodore was in command of all these vessels, which ranged from two

hundred tons down, and carried from one to fourteen guns.

In the War of 1812, Grant did important service for the Crown, and was a conspicuous figure in all matters connected with the naval service of the lakes during the war. Altogether he was in the King's service fifty-seven years. His administration of the government of the Province was for but a brief period, and for only one session of the Provincial Parliament.

The second session of the fourth Parliament was opened by him on the 4th of February, 1806, and closed on the 3rd of March following. Only seven Acts were passed during the session, one of the most important of which was "an Act to procure certain apparatus for the promotion of science"—an Act which was specially promoted by him and which was undoubtedly laying the foundation for higher public education, partially fulfilled in the establishment of King's College, and followed by the University of Toronto, which now so fully supplies the means of scientific research to the earnest student.

At the request of Commodore Grant, the Legislature by this Act appropriated four hundred pounds for the purchase of instruments for illustrating the principles of natural philosophy.

The second section of this Act enacted "that the Governor, Lieutenant-Governor or person administering the Government of this Province, is hereby authorized and empowered to deposit the said instruments (under such conditions as he shall deem proper and expedient) in the hands of some person employed in the education of youth in this province, in order that they may be as useful as the state of the Province will permit."

On the arrival of these instruments in Canada, Administrator Grant committed them to the care of Dr. Strachan, afterwards Bishop Strachan, then a celebrated instructor of youth at Cornwall, and they were brought by him to Toronto on his appointment to the headmastership of the District School at York. From the District School (the old Blue School) the instruments were passed on to Upper Canada College. There are doubtless old college boys now living, of the class of 1836-37, who will remember seeing this philosophical apparatus in the Principal's room at the College, not in use, but treasured for a future day when a provincial university should be established for the teaching of higher studies than were yet reached by the College. It is possible that the instruments or some remains of them may still be lingering within the walls of "old Upper Canada," as the old boys designate their *Alma Mater*.

The second session of the fourth Provincial Parliament, in which this so beneficial grant of money for educational purposes was made, was, as we have seen, a short session. It was, however, as remarkable for its tempestuousness as for its brevity.

When President Grant entered on the administration of the Government, there was seated on the judicial bench a gentleman well skilled in English law, but more skilled in English politics, one Mr. Justice Thorpe, an Irishman by birth, and of the English bar. Judge Thorpe, from the time he came to the Province to the time he left it, was at perpetual war with the colonial authorities, and made himself most obnoxious to them. An examination of the correspondence, letters, papers and documents, official and non-official, which are on file



in the Archives at Ottawa, and copies of which are to be found in the library of the County of York Law Association at Toronto, will enable a tolerably fair estimate to be made of the character of this gentleman, both as a judge and a citizen. In truth, he was much more of a politician than a judge, and had a natural bent for intrigue.

On the 24th of January, 1806, Mr. Thorpe wrote a letter to Edward Cooke, Under-Secretary of State, with a postscript dated 5th of February, 1806, the day after the opening of the session, the contents of which betray the meddlesome temper of the writer of the letter, and his disposition towards the reigning powers in the colony.

This is the letter :

“ 24th January, 1806.

“ DEAR SIR,—For the last time I must trespass on your time for five minutes, as I think it my duty to inform you of the situation of this colony before the new Governor leaves you. From a minute inquiry for five months I find that Governor Hunter has nearly ruined this province. His whole system was rapaciousness; to accumulate money by grants of land was all he thought of. The Loyalist that was entitled to land without fees could not get any, but the alien that could pay was sure of succeeding; unjust and arbitrary, he dissatisfied the people and oppressed the officers of Government. He had a few Scotch instruments about him (Mr. McGill and Mr. Scott) that he made subservient to his purpose, and by every other individual he and his tools were execrated. Nothing has been done for the colony—no roads, bad water communication, no post, no religion, no morals,

no education, no trade, no agriculture, no industry attended to. Mr. McGill and Mr. Scott have made a person of their own President: the same measures are followed up, and the effects will soon appear, for everything you wish will be defended and the House of Assembly will feel their power, which is always (in the colonies) a bad thing. All this and much more you will soon know; therefore, in this state of things, I think it absolutely necessary to set about conciliating the people in every way. I have had some public opportunities which did not escape me, and in private I will cultivate all that are deserving or that can be made useful, by which means I now pledge myself to you, that whoever comes out shall find everything smooth, and that in twelve months or less I will be ready to carry any measure you may desire through the Legislature. All this I state on the supposition that Lord Castlereagh will not be induced to place any one over me on the bench, but if parliamentary interest should prevail on him to neglect my exertions, I must entreat of my friends to beg of His Lordship to remove me to any other place where I can do my duty and render some service.

“P.S.—I hope, for the sake of England and the advancement of this colony, that the new Governor will be a civilian and a politician. It is worth four thousand a year; the Lower Province six thousand. There might be two military appointments—a lieutenant-general below, a brigadier here.

“From the gentleman having delayed who was to take this to New York, I have an opportunity of stating that the Clerk of the Crown is dead.

“5th February, 1806.

“The Houses of Assembly are sitting, and from want of a person to direct, the lower one is quite wild. In a quiet way I have the reins, so as to prevent mischief; though, like Phaeton, I seized them precipitately. I shall not burn myself, and hope to save others.”

The extravagant statements made in this letter ensure its condemnation. It was, indeed, a libel on the country, as well as on the officials.

The reference in the letter to President Grant is somewhat enigmatical. It is probable, however, that the writer meant to convey the impression that the officials, Scott and McGill, the one being Receiver-General and the other Attorney-General, ruled the President, and that the President was walking in the footsteps of Governor Hunter.

By the time the 5th of February came, from the expression in the P.S., “I have the reins,” the worthy Judge seems to have thought that he had overcome every obstacle, and possessed more power than the President, Scott, and McGill all put together.

If we are to judge of what took place in the Legislature afterwards, and during the short time it lasted, the Judge had really wormed himself into the confidence of the Assembly in a very positive manner.

Mr. Justice Thorpe’s active mind induced him to critically examine the acts of the Government. In his performance of this assumed duty his attention fell on the expenditure of a sum of money amounting to six hundred and seventeen pounds thirteen shillings and sevenpence, which had been ordered, partly by warrant

of the Administrator Grant and partly by his predecessor, Governor Hunter, to be paid to certain civil servants for services performed by them in the carrying on of the Government. Formulated in items, the schedules of these payments contained twenty separate and distinct amounts, and were for the most payments made for services in the administration of justice or in connection with departments of the Government. In 1803, by the directions of Lieutenant-Governor Hunter, accounts of a similar nature were charged and paid out of the residue of unappropriated moneys in the hands of the Receiver-General, over and above sums specifically voted by the Legislature. For two years such payments had been laid before the Legislature and had been approved by the House of Assembly.

President Grant, recognizing the fact that he was only temporarily at the head of the Government, thought it a part of his duty in this regard to follow the practice pursued by Governor Hunter, and so ordered the payments referred to to be made.

It was, of course, not strictly correct that such payments should have been ordered to be made without a vote of the Assembly. The astute mind of Justice Thorpe quickly grasped the situation, and it gave him the opportunity of exhibiting to the unlearned Canadian Legislature his knowledge of constitutional law and parliamentary rights and privileges.

With this explanation and the address of the Assembly it will be readily conjectured what was meant by the allusion in his letter to "reins of power," and "that in twelve months or less I will be ready to carry any measure you may desire through the Legislature."

The address of the Assembly passed the House on the 1st of March, 1806, two days before the close of the session, and bears the impress of the brain, if not the hand, of Judge Thorpe. Here is the address :

*"To His Honor, Alexander Grant, Esquire, President, administering the Government of the Province of Upper Canada, etc., etc.:"*

"MAY IT PLEASE YOUR HONOR,—We, His Majesty's most dutiful and loyal subjects of the Commons of Upper Canada, in Parliament assembled, have, conformably to our early assurance to your Honor, taken into consideration the public accounts of the Province, and have, on a due investigation of the same, to represent to you that the first and most constitutional privilege of the Commons has been violated in the application of moneys out of the Provincial Treasury to various purposes without the assent of Parliament or of a vote of the Commons House of Assembly.

"To comment on this departure from constitutional authority and fiscal establishment must be more than painful to all who appreciate the advantages of our happy constitution, and wish their continuance to the latest posterity; but, however studious we may be to refrain from stricture, we cannot suppress the mixed emotion of our relative condition. We feel it as the representatives of a free people; we lament it as the subjects of a beneficent Sovereign; and we hope that you in your relations to both will more than sympathize in so extraordinary an occurrence.

"We beg leave to annex hereto a schedule of the

moneys so misapplied, amounting to six hundred and seventeen pounds thirteen shillings and sevenpence, and we trust that you will not only order the same to be replaced in the Provincial Treasury, but will also direct that no moneys be issued thereout in future without the assent of Parliament or a vote of the Commons House of Assembly."

That President Grant was willing to listen to any complaint of the Assembly on any public matter may be gathered from his reply to the address of that body, which was as follows :

*" Gentlemen of the House of Assembly :*

"I learn with regret from your address of the 1st of March that a degree of dissatisfaction prevails in the Commons House of Assembly with respect to the application of a sum of money stated to amount to six hundred and seventeen pounds thirteen shillings and sevenpence. At the time of my accession to the administration of the Government, I found that various items similar to those in the schedule accompanying your address had been charged against the provincial revenue, and acquiesced in for two years preceding, and I directed the usual mode to be followed in making up the accounts, which I ordered to be laid before you during the present session. The money in question has been undoubtedly applied to purposes useful and necessary for the general concerns of the Province. As I am, however, desirous to give every possible satisfaction to the House of Assembly, I shall direct the matter to be immediately investigated, and if there has been

any error in stating the accounts, take measures to have it corrected and obviated for the time to come."

President Grant lost no time in making the investigation promised in his answer to the address of the Assembly. On the 14th of March he wrote to Lord Castlereagh, Secretary of State, giving him a statement concerning the circumstances which gave rise to the address of the Commons and his reply. After some preliminary remarks, excusing if not justifying the issuing of his warrant to cover expenses connected with the Government, he said :

"The language of that address is intemperate, especially when the bounty of Great Britain to the Province is taken into consideration. But I should be sorry if your Lordship supposed that the members of the House of Assembly for the greater part are inimical to the measures of the Government. They wish to do what is right ; but sequestered from the world, and some of them not having had the benefit of a liberal education, they are ready to be influenced by the persuasion of others who, by their means, endeavor to perplex if not to distress the administration of the Government of this Province."

The concluding paragraph of the letter to Lord Castlereagh was a palpable hit at Judge Thorpe and his interference in the work of legislation, notwithstanding the fact that he was not a member of the Assembly. It gives a clue also to what Judge Thorpe had in his mind when in his letter to Under-Secretary Cooke he wrote : "I have had some public opportunities which did not escape me, and in private I will cultivate all that are deserving or *that can be made useful.*"

President Grant's investigation of the appropriation of moneys referred to compelled him to say to Lord Castlereagh :

“I must, however, respecting the subject of the address, candidly confess, and since the prorogation of the Legislature I have taken every means to be informed, that I cannot discover anything by which the Governor, Lieutenant-Governor, or person administering the Government, possess the power of appropriating to specific purposes any part of the revenue raised for this Province by the Acts of its Legislature, without the assent of that Legislature to such appropriation. I therefore cannot help offering it to your Lordship, after the best consideration that I am able to give this subject, as my opinion, that matters should be put on the same footing as they were from the establishment of the Province to the year 1803, and that the items of expenditure charged in the year 1805, mentioned in the address of the House of Assembly, and stated in the schedule, should be withdrawn as against the duties imposed by the provincial authority. This would give complete satisfaction, and I have little doubt but that in such case, as in Lower Canada, the Legislature would appropriate a sum according to its abilities for the support of the civil government of this Province out of the revenue which is raised by authority.”

It is necessary only to add that the advice of President Grant in regard to the expenditure was followed. The Legislature, after his administration ceased, voted the necessary expenses which had been incurred. The right of the Assembly in the matter of expenditure of moneys was maintained, and the consti-



tution saved from a serious wrench. In view of what had gone before, it is interesting to note that by the time it fell to the lot of the succeeding Assembly to follow the counsel or suggestion of President Grant, Judge Thorpe had succeeded in obtaining a seat in the Legislature, and was the only member of the House who opposed the resolution of the House withdrawing its claim to the appropriation, or, as Judge Thorpe would say, the misappropriation of the moneys referred to. In all this matter President Grant had but followed a precedent which had been set by a previous Government, and condoned by the passive assent of Parliament. Judge Thorpe was strictly correct in his constitutional law, and had he been a member of the Legislature no fault could have been found with his actively interfering to thwart the Government in an expenditure, however necessary, made without the assent of the House of Assembly previously obtained.

It reflects credit on the administrator of the Government, that finding the precedent which he had followed was not justified by the constitution, he quickly set about having the precedent repudiated. Happily the rights and privileges of Parliament are better understood to-day than they were in the days of Mr. Justice Thorpe, perhaps in some measure due to the acuteness of that political judge.

Commodore Grant married Miss Theresa Barthe, a French lady, on the 30th September, 1774. By her he had one son and eleven daughters. The writer was well acquainted with the son, Colonel Grant, who was living in Brockville in 1838. Those of the daughters who attained maturity were married to persons of note in

their day. Their names will be recognized in those of their descendants, the Nichols, Gilkinsons, Dicksons, Duffs, Millers, Woods, and Richardsons. All the children of Commodore Grant were of large frame and comely appearance. Colonel Grant, his son, was a tall man, upwards of six feet in height, and of powerful build, a good representation of a Highland chief.

Colonel Gilkinson, of Brantford, and Judge Woods, of Chatham, are grandsons of Commodore Grant; also Alexander Miller, of Detroit.

Commodore Grant died at his residence at Grosse Point, on Lake St. Clair, ten miles above the city of Detroit, sometime in the month of May, 1813. Here had he lived the most of his life, making periodical visits to York (Toronto) in the performance of his public duties.





*Francis Gore*

## CHAPTER V.

### *FRANCIS GORE, LIEUTENANT-GOVERNOR.*

FRANCIS GORE, Lieutenant-Governor of Bermuda, was appointed to succeed General Hunter as Lieutenant-Governor of Upper Canada, and arrived at Quebec in the month of July of the year 1806, and at York, the capital of the Province, on the 23rd day of August.

In personal appearance Governor Gore was of the type of an English squire. He was, indeed, very English both in manner and appearance. In disposition he was kindly and benevolent; rather given to rely on others than to be self-assertive. He could be imperious when the occasion called for it, but this was not his usual habit of demeanor. Dr. Scadding, referring to the new Governor, says: "The striking portrait which may be seen in Government House enables us to understand Governor Gore. We have before us evidently a typical gentleman of the later Georgian era; a 'counterfeit presentment,' as it might easily be imagined, of the Prince Regent himself; one likely to be beloved by friends and boon companions for his good-natured geniality."

Governor Gore was a comparatively young man when he first set foot in Upper Canada. He was born at Blackheath, in Kent, in the year 1769, and so was only

thirty-seven years of age on his first coming to the colony. He was of good family, and had been highly favored before he became a Colonial Governor. The Gores were a branch of the family of the Earl of Arran, and Francis had acted as aide-de-camp to the Duke of Mecklenberg Sterlitz, a brother of Queen Charlotte, in the campaign in Portugal. This satisfactory service in the Portuguese campaign earned for him the Lieutenant-Governorship of Bermuda.

He was in the military service of the Crown from the time he left school till his retirement from the army in 1802, on a pension. He held a commission in the 47th Regiment in 1787. In 1793 he obtained a lieutenancy in a local independent company, and in a few months was transferred to the 54th Regiment. He saw service on the Continent in 1794. In 1795 he was captain in a cavalry regiment, now the 17th Lancers, and accompanied Lord Camden, who had been appointed Lord Lieutenant of Ireland. In 1799 he obtained the rank of major; and in 1803 he married Arabella, sister of Sir Charles Wentworth.

In the same year, on the breaking out of war with France, he rejoined the army, with the rank of lieutenant-colonel, and was appointed Inspecting Field Officer of Volunteers on the coast of Kent, at that time threatened with an invasion by Napoleon's army. In 1804, on the recommendation of His Majesty King George III, he was appointed Governor of Bermuda, and retained that appointment until he was appointed Lieutenant-Governor of Upper Canada. It is related as an instance of his bluntness of manner that on the course of his voyage to Bermuda in the *Aurora* frigate

a strange sail hove in sight whose appearance and manœuvres were suspicious, and the *Aurora* was promptly prepared for action. One of the officers on the quarter deck, observing Governor Gore taking great interest in the proceedings, made the remark, "Well, Governor, this is not your kind of work; it may be as well, perhaps, when we near her to go below." "I'll be d—d if I do," was the ready reply; "my aim has been to meet the enemy, not to turn my back on him." This courageous answer obtained for him so much favor from the crew of the frigate that, on his disembarking at Bermuda, the gun-room officers, lieutenants, surgeon, officers of marine, master, etc., volunteered to man the boat to row him to shore. He was only in Bermuda about a year, as in 1806 he was sent to Canada.

It had been made evident to Governor Gore that in accepting the administration of the Government of Upper Canada he could not hope to lie on a bed of roses. He was well aware that that vigorous agitator, Mr. Justice Thorpe, had so far ingratiated himself with the people as to lay the foundation of a party hostile to the governing body of the time.

The first address presented to the Governor on his arrival in the Province was from the inhabitants of the home district, and was read by William Weeks, Solicitor-General and member of Parliament for the counties of York, Durham and Simcoe, on the 27th of August, at York, the capital. After congratulating the Governor on his arrival, and expressing gratification at the appointment of a gentleman unconnected with the military establishment, the address proceeded as follows:

“In approaching your Excellency with a zealous attachment to a constitution which neither innovation can impair nor anarchy deform, we lament our being under the necessity of stating to you, that since the establishment of it in this country, its system has been mistaken and its energy misused. In situations in which it were matter of dignity as well as of duty to promote the public good, private interest only has been regarded and prerogative and privileges have been indiscriminately sacrificed at the shrine of arbitrary imposition.”

This somewhat extraordinary address, which certainly contained matter most unusual in an address of welcome, and sounded more of the heat of a debate, clearly embodied the views of Mr. Justice Thorpe, whether he had any part in its composition or not. The answer by the Governor was very curt, simply thanking the 301 inhabitants of the Home District for their congratulations on his arrival, but taking no notice of the complaint made as to the administration of the Government. This was a decided snub to the signers of the address, and, of course, roused the disfavor of the Judge, who now began to think that the only remedy for the evils in Government was that he himself should have a seat in the Legislature.

That Judge Thorpe was determined to make public his views upon the governing powers of the day, is shown in his answer to the address of the grand jury of the London district, delivered a few days later, on the 13th of September, when he said: “To be the humble instrument of restoring harmony and happiness to your district is an excess of gratification. The act of govern-



ing is a difficult science; knowledge is not intuitive and the days of inspiration have passed away. Therefore, when there was neither talent, education, information, nor even manner in the administration, little could be expected and nothing was produced. But there is an ultimate point of depression as well as exaltation from whence all human affairs advance or recede; therefore, proportionate to your depression, we may expect your progress in prosperity will advance with accelerated velocity."

This attack on the Government bore fruit, as no doubt the Judge intended, as we find that on the 20th October following a meeting was held by the freeholders of the County of York, at Moore's hotel, at which the Judge's friend, William Willcocks, was chairman, for the purpose of considering a proper person to represent them in Parliament, and it was resolved unanimously "that Mr. Justice Thorpe be requested to represent the counties of York, Durham and Simcoe in the place of the late lamented William Weeks, Esquire, deceased." The vacancy thus opportunely afforded to Judge Thorpe was caused by the death of Mr. Weeks, the presenter of the first address to the Governor, who was wounded in a duel with Mr. Dickson, of Niagara, and died of the wound in that same October.

At the present day it would not be possible for a judge to be a candidate for member of Parliament, but this was not so in Governor Gore's day. There was no law against it; it remained altogether with the individual judge whether his regard for his judicial position would permit him to engage in political strife. Judge Thorpe did not deem it incompatible with his judicial position

to enter into the parliamentary arena, and promptly accepting the nomination for the counties of York, Durham and Simcoe, was triumphantly elected in place of Mr. Weeks. This was a great victory for the new party, the principal members of which were Mr. Justice Thorpe, Mr. Wyatt, Surveyor-General, and Mr. Willcocks, Sheriff of the Home District. The principles of this party, as estimated by Governor Gore, are expressed in a letter to Colonial Secretary Windham. On the 27th February, 1807, he wrote Mr. Windham: "Very soon after my arrival in this province I received information of a party of which Mr. Justice Thorpe, Mr. Wyatt, and a Mr. Willcocks, the sheriff, were the leaders, that were endeavoring by every means in their power to perplex and embarrass the King's Government in this colony."

On the 5th January, 1807, William Allan, the returning officer, advised the Governor of the election of Justice Thorpe to the Assembly, saying at the same time: "Mr. Justice Thorpe, after the closing of the poll, made a long harangue to the people then present (mostly his voters), as I conceived tending to disseminate principles by no means favorable to the Government of this country."

The session of Parliament in which Judge Thorpe was a member opened on the 2nd day of February, 1807, and closed on the 10th of March following. There were only nine Acts passed during this session, the most important of which was "an Act to establish Public Schools in each and every district of this province."

Mr. Justice Thorpe lost no time or opportunity in the House of attacking the Government, and as might have been foreseen, speedily brought on himself the anger of the Governor. He was in every sense an emphatic

Democrat, and in the estimation of Governor Gore he was a demagogue. Three days after the session closed, in a lengthy letter written by the Governor to Mr. Windham, the Colonial Secretary, the Governor thus complains of the delinquencies of the Judge member of Parliament :

“Mr. Thorpe’s conduct since he has been elected a member of the House of Assembly has been most inflammatory; and however it is to be lamented that the Government have not greater influence on the House of Assembly, during the session which has just closed he had been unable to carry any one point to embarrass the Government. He moved an address, which was most insidious and inflammatory, on the subject of those persons who had adhered to the unity of the empire, which was rejected. In his proposal for vesting the power of appointing trustees to the Public Schools in the House of Assembly, instead of the Lieutenant-Governor, after a violent declamation and abuse of the Executive Government, he asserted that it was the privilege of the House of Assembly to nominate to office. In his attempt he was supported by two only; and on a question relating to the duties imposed by the 14th of the King (which Mr. Thorpe contended was at the disposal of the Provincial Legislature) he stood alone; and I am happy to observe that in this instance of a Judge of the Court of King’s Bench making an attempt to derogate from the authority of the British Parliament, he could not in a popular assembly prevail on a single person to join him, notwithstanding his pathetic allusion to the revolt of the American colonies.”

In another part of his communication he said :

“I have no hesitation in giving my opinion that if His Majesty is pleased to permit Mr. Thorpe to retain his situation in this Province, that the most serious evils may be apprehended. And I might not conceal from you that I have been urged by the most respectable gentlemen in this colony, for the sake of public tranquillity, to suspend Mr. Thorpe from his situation as judge. This advice I have resisted, having time to receive your directions before the commencement of the circuit, and confidently relying on your support to maintain order and authority in this province.”

As was to be expected, this communication of His Excellency the Lieutenant-Governor led Lord Castlereagh to give the Governor authority for the suspension of Justice Thorpe, and in a despatch dated June 17th, 1807, he addresses the Governor as follows:

“SIR,—The various particulars which you have stated of Mr. Justice Thorpe having exceeded his duties as a judge by mixing in the political parties of the Province and encouraging an opposition to the administration, afforded such well-grounded reasons for believing that his continuance in office would lead to the discredit and dis-service of His Majesty’s Government, that I am commanded to signify to you His Majesty’s pleasure that you suspend Mr. Thorpe from the office of judge in Upper Canada, and measures will be taken for appointing a successor.”

Governor Gore obeyed the instructions of the British Government and suspended Mr. Thorpe from his office as judge, and so informed the Secretary of State by despatch dated 21st August, 1807.

Lord Castlereagh was really well disposed towards

Judge Thorpe. It was only because of his disapproval of a judge mixing himself in politics that he was led to direct his suspension, hoping to be able, as he said in his despatch, "to recommend him to some other professional situation, under an assurance that he would confine himself to the duties of his profession thereafter, and abstain from engaging in Provincial-party politics."

Judge Thorpe was transferred from Canada to Sierra Leone, being appointed Chief Justice in that British possession. He held the chief justiceship for twenty years, and then, on account of failing health, returned to England to end his judicial as well as his earthly career an impoverished man, tired of life and the troubles with which his existence had been surrounded. Mr. Thorpe's career contains a lesson. He was a good lawyer and would have been a success as a judge if he had abstained from politics when holding that position. His impetuous nature and over-ambitious mind led him to quarrel with the Upper Canada Colonial authorities, in the hope, doubtless, of causing their downfall, and with the expectation that he and his followers would, on the destruction of the existing officials, secure their places and power in the colony. The result proved that the Governor was too strong for him. He fell, a victim to his own ambition, lamented by many political friends, but not by the much traduced officials, beginning with Governor Hunter and ending with Governor Gore and his Executive Council.

Surveyor-General Wyatt, one of the officials who had sided with Judge Thorpe, falling under the displeasure of the Governor, was by him suspended from his office, and afterwards, following the suspension, was deprived of

the office of Surveyor-General by the British Government. His suspension and loss of office gave rise to an action of libel brought by him against Governor Gore.

The action arose out of the publication of the alleged libel in a pamphlet, which did not appear to have been printed by the Governor, nor was he the author of it, but was so far countenanced by him that he circulated it by handing a copy to his Attorney-General, Boulton, for perusal.

There were several counts in the declaration, alleging that the Governor had sent false representations to the British Government in regard to the plaintiff (Wyatt); and Sergeant Best, who acted for the plaintiff, admitted that it was incumbent on him to show that there were no just grounds for Mr. Wyatt's suspension, and that the Governor acted maliciously and without probable cause in suspending Mr. Wyatt.

These counts were, however, abandoned at the trial, which did not come off until 1816, the plaintiff relying in proving the libel solely on the circulation of the pamphlet. Chief Justice Gibbs, before whom the action was tried, in summing up, said: "I think the delivery of the pamphlet, which was not published till two years after the suspension, was a libel." The jury gave a verdict for the plaintiff on the count for libel.

Leaving now the subject of Messrs. Thorpe and Wyatt, and their acts, it will be more profitable to refer to the Parliament of the Province under Governor Gore's administration. The first session of the fourth Parliament met at York on the 20th day of January, 1808, and was prorogued on the 16th day of February following. During this session an Act was passed of grave import-

ance at the time, and which was necessitated by the difficulties that had been presented in there being numerous claimants for identical parcels of land.

These claimants had been a great source of trouble to the Governor and his officials. To put an end to this state of things, the Legislature passed an "Act to afford relief to those persons who may be entitled to claim lands in this province as heirs or devisees of the nominees of the Crown in cases where no patent had been issued for such lands."

Under this Act, commissioners were appointed to hear and determine claims, thus removing from the Government the reproach of partiality, to which they had been exposed, from persons in the Province who were not satisfied with some acts of the officials, and who were ever ready to make a grievance out of the smallest lapse of those charged with the duty of carrying on the government. Delays in getting patents was one of these grievances. Perhaps the most important after the Heir and Devisee Act, passed during Governor Gore's first administration, was an Act to promote the building of highways in the province in 1810. In a country sparsely settled, where the locatees of lots were often far distant from each other, this Act was a great boon to emigrants coming to the province. That it was a necessity appears from a letter from the Governor to Mr. Cooke, the Under-Colonial Secretary, two years before it was passed, in which he said: "A great cause of dissatisfaction is the want of roads."

In 1808 there were rumors amongst the people of the Province that the relations between Great Britain and the United States were strained, and that it might

result in war. Governor Gore, on the 21st March, 1808, wrote Lord Castlereagh, Secretary of State, that in the existing state of affairs he had thought it prudent to employ a confidential agent to obtain information as to the design of the American Government. To be forewarned is to be forearmed, and the Governor was vigilant in protecting the interests of his Government and of the Province over which he presided.

At the opening of the next session of Parliament the Governor, in addressing the House, said :

“Hitherto we have enjoyed tranquillity, plenty and peace. How long it may please the Supreme Ruler of Nations thus to favor us is wisely concealed from our view. But under such circumstances it becomes us to prepare ourselves to meet every event, and to evince by our zeal and loyalty that we know the value of our constitution and are worthy the name of British subjects.”

One of the first Acts of the session was “an Act for quartering and billeting on certain occasions His Majesty’s troops and the militia of this Province.” The Governor and Legislature were thus preparing the way for a sturdy defence of the Province in case of invasion. Under this Act due provision was made for the service of the troops, whether regular or militia, when on the march. This Act was passed on the 9th of March, 1809. In 1810 the cabal against Governor Gore in the Province had attained such proportions and importance that they had prevailed on a Mr. Moore, a member of the English House of Commons, to give notice that he intended to move in the House relative to the conduct of Governor



Gore, and stating in his notice that discontent prevailed in the Province owing to his misconduct and oppression. We have already seen who were the leaders of the party antagonistic to Governor Gore, and that Surveyor-General Wyatt was one of the chiefs. In the month of March, 1810, Mr. William Dickson was advised by a letter from a friend in England that Mr. Moore and his friends had concluded to bring on his motion, but could not state when the debate on it would take place. It was now evident that an organized attempt would be made to procure a censure of the Governor by Parliament, and to compel his recall. In the result the motion failed to carry; but, nevertheless, the attack made on him in the House of Commons was so severe that the Governor felt constrained to give up the administration of the Province for a time, and to proceed to England to meet his accusers face to face. On the 1st of August, 1810, he asked for and obtained leave of absence to visit England, ostensibly on private affairs, but undoubtedly also to answer in person the attack made on him upon the discussion of Mr. Moore's motion. It was, therefore, to defend both his public and private conduct against the calumny of his enemies, that he applied for leave of absence. The Governor remained, however, to perform his duties in the Province till the end of the session of the fifth Parliament, which commenced on the 1st day of February, 1811, and ended on the 13th day of March following, and in which no Act of particular significance was passed, unless it may be the Act passed "to make good certain moneys issued and advanced to His Majesty, through the Lieutenant-Governor, in pursuance of an

address of the House." These were the moneys which, it had been claimed, Governor Hunter and Administrator Grant had irregularly paid without a vote of the Provincial Assembly.

Just before the Governor's departure for England, which did not take place till late in the autumn, Sir Isaac Brock, Commander of the King's forces in Upper Canada, paid a visit to the Governor at Government House in York, and it will not be out of place to give Sir Isaac's impression at the time. In writing to his brother in Guernsey from Fort George, Niagara, he said: "I returned recently from York, the capital of the Province, where I passed ten days with the Governor, as generous and honest a being as ever existed." This tribute from so noble a man as Sir Isaac Brock speaks volumes in favor of Governor Gore.





*Isaac Brock*

## CHAPTER VI.

*SIR ISAAC BROCK, PRESIDENT—SIR ROGER H. SHEAFFE, PRESIDENT—SIR FRANCIS DE ROTTENBURG, PRESIDENT—SIR GORDON DRUMMOND, PROVISIONAL LIEUTENANT-GOVERNOR—SIR GEORGE MURRAY, PROVISIONAL LIEUTENANT-GOVERNOR—SIR FREDERICK ROBINSON, PROVISIONAL LIEUTENANT-GOVERNOR.*

ON October the 9th, 1811, Brock wrote to Lord Liverpool that the administration of the Government devolving on him as Commander of the Forces, he had been sworn in as a member of the Council. A few months after Brock was sworn in he called the Legislature together, and meeting it on the 3rd of February, 1812, he addressed the House in the following spirited way :

*“Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly :*

“I should derive the utmost satisfaction the first time of my addressing you were it permitted me to direct your attention solely to such objects as tended to promote the peace and prosperity of this Province.

“The glorious contest in which the British Empire is

engaged and the vast sacrifice which Great Britain nobly offers to secure the independence of other nations might be expected to stifle every feeling of envy and jealousy, and at the same time to excite the interest and command the admiration of a free people. But, regardless of such generous impressions, the American Government evinces a disposition calculated to divide and impede her efforts.

“England is not only interdicted in the harbors of the United States, while they afford a shelter to the cruisers of her inveterate enemy, but she is likewise required to resign those maritime rights which she has so long exercised and enjoyed. Insulting threats are not only offered, but hostile preparations actually commenced, and though not without hope that cool reflection and the dictates of justice may yet avert the calamity of war, I cannot, under every view of the relative situation of the Province, be too urgent in recommending to your early attention the adoption of such measures as will best secure the internal peace of the country, and defeat every hostile aggressor.

“Principally composed of the sons of a loyal and brave band of veterans, the militia, I am convinced, stand in need of nothing but the necessary legislative provisions to direct their ardor in the acquirement of military instruction, to form a most efficient force. The growing prosperity of these provinces, it is manifest, begins to awaken a spirit of envy and ambition. The acknowledged importance of this colony to the parent state will secure the continuance of her powerful protection. Her fostering care has been the first cause under Providence of the uninterrupted happiness you

have so long enjoyed. Your industry has been liberally rewarded, and you have in consequence risen to opulence.

“These interesting truths are not uttered to animate your patriotism, but to dispel any apprehension you may have imbibed of the possibility of England forsaking you; for, you must be sensible, if once bereft of her support, if once deprived of the advantages which her commerce and the support of her most essential wants gives you, this colony, from its geographical position, must inevitably sink into poverty and insignificance.

“But Heaven will look favorably on the manly exertions which the loyal and virtuous inhabitants of this happy land are prepared to make to avert such a dire calamity.

*“Gentlemen of the House of Assembly :*

“I have no doubt but that with me you are convinced of the necessity of a regular system of military instruction to the militia of this Province. On this salutary precaution, in the event of a war, our future safety will greatly depend, and I doubt not but that you will cheerfully lend your aid to enable me to defray the expenses of carrying into effect a measure so conducive to our security and defence.”

With Sir Isaac Brock's splendid military career the writer of this volume does not intend to deal, having already given some account of his life and his glorious death in another place,\* but will confine himself to his life as Administrator of the Province, and of this not much is to be said, lasting as it did but during two sessions of the Provincial Parliament.

\* “The Life and Times of Major-General Sir Isaac Brock.” Toronto, 1894.

We have seen that the first session over which he presided commenced on the 3rd day of February; it ended on the 6th day of March following. War was declared by the United States against Great Britain on the 18th day of June, 1812, followed by the invasion of the Province, on the 12th of July, by Hull's army from Detroit. Brock immediately called the Legislature together, and it met on the 27th day of July, and was prorogued on the 5th day of August following, being the shortest session of the Upper Canada Parliament on record. Though short it was glorious in its action, and Brock was the moving spirit.

In opening this session, in his speech to the House, he said: "When invaded by an enemy whose avowed object is the entire conquest of the Province, the voice of loyalty as well as of interest calls aloud to every person, in the sphere in which he is placed, to defend his country. Our militia have heard that voice and obeyed; they have evinced in the promptitude and loyalty of their conduct that they are worthy of the King whom they serve, and of the institutions which they enjoy; and it affords me particular satisfaction in that, while I address you as legislators, I speak to men who, in the day of danger, will be ready to assist not only with their counsel, but with their arms.

"We are engaged in an awful and eventful contest. By unanimity and despatch in our councils and by vigor in our operations we may teach the enemy the lesson that a country defended by free men, enthusiastically devoted to the cause of their King and constitution, can never be conquered."

What other effect could such a speech produce than



of inspiring unbounded confidence in General Sir Isaac Brock, now both Commander of the Forces and His Majesty's representative administering the civil affairs of the Province. The members of the House immediately set to work to legislate in the direction of Sir Isaac's desires. The session only lasted nine days, but during that space the Parliament passed an Act relating to "the raising and training of the militia of the Province, and to make further provision for the raising and training of said militia," as well as an Act "to provide for the defence of the Province."

It is needless here to recount the military deeds of the militia of the Province, called out under these Acts, or of Brock, who lost his life while leading on the same militia at Queenston Heights. The military achievements are engraved in the memories of all Canadians, whose proud boast it is that they are still British subjects; while Sir Isaac Brock is commemorated in the monument erected by a grateful Province on Queenston Heights, where the bones of all that is mortal of the brave General repose.

Sir Isaac Brock fell on the 13th day of October, 1812, while gallantly leading a charge up Queenston Heights at the head of 150 men, chiefly volunteers of the County of York, but death, although untimely, was not too soon to snatch from him the wreath of victory, for in a few short hours after he passed away the enemy's position had been taken, the tide of invasion turned, and the American army and its commander forced to surrender on the field.

Earl Bathurst, in writing to Sir George Prevost, the Commander-in-Chief, of the impression made in England by the death of General Brock, penned the following eulogium. "This would have been a sufficient loss to cloud a victory of much greater importance. His Majesty has lost in him not only an able and meritorious officer, but one also who, in the exercise of his functions of Provisional Lieutenant-Governor, displayed qualities admirably adapted to awe the disloyal, to reconcile the wavering, and to animate the great mass of the inhabitants against successive attempts of the enemy to invade the Province, in the last of which he unhappily fell, too prodigal of that life of which his eminent services taught us to understand the value."

ROGER H. SHEAFFE, PRESIDENT.

The immediate successor of Sir Isaac Brock in the administration of the Government was Sir Roger H. Sheaffe, or, as described in the Statutes of the Province, Roger Hale Sheaffe, Esquire, President, the civil title given to those who become acting governors by virtue of succession as President of the Executive Council or senior officer of the military forces. This was the case of Sir Roger Sheaffe, whose civil administration extended only over one session, commencing on the 25th of February, 1813, in which only eleven Acts of Parliament were passed, the most important of which was "an Act to provide for the maintenance of persons disabled and the widows and children of such persons as may be killed in His Majesty's service." Sir Roger was essentially a military man. It was the accident of war, the death of Sir Isaac Brock, that was the



*R. H. Schuffe*



immediate cause of his becoming connected with the civil affairs of the Province. He was known only, or principally known, to the people of Upper Canada in his military capacity. General Sir Roger H. Sheaffe was born in Boston, in the British colony of Massachusetts, on the 15th of July, 1763, and was the third son of William Sheaffe, Esquire, Deputy Collector of His Majesty's customs at that port, by Susannah, eldest daughter of Thomas Child, Esquire, of Boston.

Sir Roger commenced his military career as an ensign in the 5th Fusiliers—his commission being dated 1st May, 1778—in which regiment he rose to the rank of lieutenant, receiving the promotion on the 27th December, 1780. Lieutenant Sheaffe served in Ireland from January, 1781, to May, 1787, and in Canada from June following to September, 1797. In 1794 he was employed under the orders of Lord Dorchester, and with instructions from Lieutenant-Governor Simcoe, on a public mission to protest against certain settlements made by the Americans on the south shore of Lake Ontario. On the 5th of May, 1795, he was promoted to the rank of captain in the 5th Fusiliers, and on the 13th December, 1797, was gazetted major in the 81st Regiment, and was advanced to the rank of lieutenant-colonel of the 49th Regiment on the 22nd March, 1798. Sheaffe served in Holland from August to November, 1799; in the Baltic from March to July, 1801, and in Canada from September, 1802, to October, 1811. On 25th of April, 1808, he received the brevet rank of colonel, and on the 4th of June, 1811, was advanced to the rank of major-general. He again served in Canada from the 29th July, 1812, to November, 1813. The

Americans having invaded Canada on the 13th October, 1812, and General Brock, commanding in the Province, having fallen while leading the militia in an attack on the Americans, Major-General Sheaffe, on whom the command devolved, continued the attack, with the addition of some regular troops and a few Indians, and later on upon the same day attacked the enemy in a wooded height which they occupied above the town of Queenston. He completely defeated them, though far exceeding his own followers in number, their commander delivering his sword and surrendering his surviving troops on the field of battle.

In acknowledgment of this important service Major-General Sheaffe was created a baronet by patent dated 16th January, 1813.

When the Americans attacked York, in April, 1813, he concocted such measures for the defence of the town as he thought expedient; but not considering the place defensible, he did not stay to assist the local militia, he and his staff evacuating York a short time prior to the attack of the Americans. For this he was much condemned, but probably his military tactics were right, as it was of more importance to save his small force than to risk them and his own life in a hopeless attempt to repulse a superior force. His own life was now of more importance, as he was administrator of the Government, having been so appointed on Brock's death.

York not being defended by any military force, was now occupied by the Americans, and the Government House and other buildings burnt, a destruction which, it may be added, was amply attoned by the subsequent occupation of Washington by British troops and destruction of the capitol.

Sheaffe continued to command in Upper Canada and to administer its Government until June, 1813, when he was succeeded in the military command by General De Rottenberg. On quitting the Government he received from the Executive Council an address expressing their sense of that display of candor, justice and impartiality which had marked his administration, and the urbanity and confidence of his official intercourse. They further acknowledged their conviction that they owed the salvation of the whole Province to his military talents on the memorable day when he succeeded to the command. He was appointed to the staff of Great Britain on the 25th March, 1814; but the appointment was recalled and deferred in consequence of the change of affairs in Europe. Sir Roger was appointed to the rank of lieutenant-general on the 19th July, 1821, and on the 21st December, 1829, was appointed colonel of the 36th Regiment. He was advanced to the rank of general on the 28th June, 1828. His death occurred at Edinburgh on the 17th July, 1851. His wife Margaret, daughter of John Coffin, Esquire, of Quebec, whom he married in 1810, survived the gallant general but a few years.

*BARON FRANCIS DE ROTTENBURG.*

On the retirement of Major-General Sheaffe, Major-General De Rottenberg succeeded to the administratorship, which position he occupied from June 19th to December 12th, 1813. General De Rottenberg was Major of Hussars in 1795, and in 1797 was Colonel of the 60th Foot, and was promoted to the rank of brigadier-general in 1808. In 1810 he was appointed

on the staff in Canada and took command of the garrison at Quebec, and on the breaking out of the war was in command of the Montreal district. After filling the office of Administrator of Upper Canada he commanded the left division of the army in Canada until 1815, when he returned to England. He was promoted lieutenant-general in 1819, and died at Portsmouth, England, April 24th, 1832. His son, Colonel Baron De Rottenburg, was Adjutant-General of the Militia of Upper Canada from 1855 to 1858, when he received the appointment of Lieutenant-Colonel of the 100th or Prince of Wales' Royal Canada Regiment.

SIR GORDON DRUMMOND, PROVISIONAL LIEUTENANT-  
GOVERNOR.

Sir Gordon Drummond, who now succeeded to the administration of Upper Canada, was of the ancient family of Drummonds of Concraig, and was the youngest child of Colin Drummond, Esquire, of Megginch. He was born in 1771, at Quebec, where his father, Sir Colin, held the appointment of Paymaster-General of the Forces in the Province. Sir Gordon entered the army as an ensign in the 1st Regiment of foot on the 21st September, 1789; and after serving some time on the staff of the Earl of Westmoreland, at that period Lord-Lieutenant of Ireland, he rose rapidly to the rank of lieutenant-colonel in 1794, and the same year was appointed to the command of the 8th (King's) Regiment, in which he served in Holland under His Royal Highness the Duke of York. At the siege of Mineguen, 1795, his conduct as a soldier was most conspicuous.





*Gov. de Belloc*



In the year 1800, after returning to England along with the troops from the Netherlands, Lieutenant-Colonel Drummond proceeded in the command of his regiment to Minorca, where he was stationed until the autumn of 1800, when he accompanied the expedition to Egypt under Lieutenant-General Sir Ralph Abercrombie. He was present at the landing of the army on the 8th of March, 1801, as well as at the subsequent engagement at the battle of Rhamania (when Sir Ralph fell mortally wounded), and finally at the surrender of the Grand Cairo and Alexandria to the British army. On the surrender of Cairo he went with his regiment to Gibraltar, and here commenced a friendship between himself and His Royal Highness the Duke of Kent, father of Her Majesty Queen Victoria, which continued to the latest period of the Duke's life. In 1805 he was second in command to Sir Eyre Coote, Commander of the Forces and Governor of Jamaica, and was a general officer on Sir Eyre's staff. In 1808 he married Margaret, second daughter of William Russell, Esquire, of Bancpeth Castle, in the County of Durham, and not long afterwards was appointed to the staff in Canada, where he served until 1811, when he once more revisited England. Early in 1812, he was selected to command the south-east district of Ireland, where he performed important service in that much disturbed land. In 1813 Sir Gordon, still retaining his post on the staff in Ireland (having attained the rank of lieutenant-general in 1811), was sent by the British Government to Canada, as second in command to Lieutenant-General Sir George Prevost. He arrived in Canada on the 3rd of November, 1813, and without delay proceeded to take command of the troops

in Upper Canada. On the 19th December, 1813, under his orders, a British and Canadian force stormed the American Fort Niagara, which was captured, the conquering force securing an immense accumulation of stores, both naval and military.

In the early part of the month of May, 1814, a combined operation was executed under the immediate command of Lieutenant-General Drummond and the squadron commanded by Commodore Sir James Yeo, the object of which was to destroy the works and barracks at Oswego, as well as to cripple the naval operations of the Americans by capturing or destroying a large magazine of ship stores belonging to the American flotilla on the lake. The success of the expedition was complete.

On the 25th of July, 1814, was fought the ever glorious battle of Lundy's Lane, under the immediate command of Lieutenant-General Drummond. In this engagement General Drummond received a severe wound from a bullet which passed through his neck and lodged at the other side. Notwithstanding this wound he did not dismount from his horse, which a few minutes afterwards was killed under him.

Lundy's Lane was the most hotly contested of all the engagements which took place in the war of 1812. The invaders of Canada, forming the centre division of the American army, under the command of General Brown, fought with a courage which was truly heroic. This battle was not a long range engagement, but a hand to hand, bayonet to bayonet, muzzle to muzzle conflict.

The battle between the contending parties raged most fiercely in the contest for the commanding position

of the brow of the hill at the east of Lundy's Lane. When the shades of night had covered the contending forces, the battle was continued till midnight with increased fury.

Thompson, who wrote a history of the war of 1812, said: "Charges were made in such rapid succession and with such determined vigor that often were the British artillerymen assailed in the very act of sponging and charging the guns, and often were the muzzles of the guns of the contending armies hauled up and levelled within a few yards of each other."

Another writer, in describing the battle a few years after it was fought, said: "Of all the battles fought in America the action at Lundy's Lane was unquestionably the best sustained and by far the most sanguinary. The rapid charges and real contests with the bayonet were of themselves sufficient to render this engagement conspicuous. Traits of real bravery and heroic devotion were that night displayed by those engaged which would not suffer in comparison with those exhibited at the storming at St. Sebastian, or the conflict at Quatre Bras."

General Drummond's report of this action stated the number of killed, wounded and missing on the side of the British to have been 836. The American General, Brown, in his report of the killed, wounded and missing on the side of the Americans, stated the number to have been 858.

On the 13th August following the battle of Lundy's Lane Drummond, with a considerable force, attacked Fort Erie, then in the possession of the Americans. The works were carried and the guns of the fort turned

upon the enemy, when a magazine of powder caught fire and an awful explosion took place, which destroyed nearly 400 men of the attacking force. The Americans, taking advantage of a panic caused by this disaster, re-took the fort, and General Drummond was robbed of his well-earned victory. Toward the end of the year Lieutenant-General Sir George Prevost, Commander-in-Chief of the Forces in Canada, received orders to return to England. Lieutenant-General Drummond was ordered to Quebec to succeed him, not only as Commander-in-Chief of the military forces, but also as Administrator-in-Chief of the Government of the two Canadas, Upper and Lower.

In 1816, after having performed most important services to the British Crown, he was at his own request relieved of his onerous duties in Canada, and much to the regret of the inhabitants of Canada, returned to England, where he resided in the enjoyment of domestic happiness among his family and friends during the remainder of his life. He died in London on the 10th of October, 1854, in the eighty-fourth year of his age.

Sir Gordon Drummond's civil government as Administrator of this Province was of but short duration, extending over only two years, and two sessions of the Provincial Parliament. It was, however, his unspeakable pleasure at the close of the last session under his administration, and which may be said to have been the last administrative act of his Canadian life, to give his assent to an Act of the Parliament entitled, "An Act to provide for the erection of a monument to the memory of the late President, Major-General Sir Isaac Brock."

The monument erected to the memory of Sir Isaac





*George Murray*



Brock still towers above the Queenston Heights, as a beacon pointing the way in the future to acts of heroism, such as distinguished the two Generals, Brock and Drummond.

SIR GEORGE MURRAY, G.C.B., PROVISIONAL LIEUTENANT-GOVERNOR.

Sir George Murray was the second son of Sir William Murray, Bart., and Lady Augusta Mackenzie, seventh and youngest daughter of George, third Earl of Cromarty, and was born at the family seat, Ochertyre, Perthshire, on the 6th February, 1772. He was educated at the High School and at the University of Edinburgh, and received an ensign's commission in the 71st Regiment on the 12th March, 1789. He was transferred to the 34th Regiment, and soon afterwards, in June, 1790, to the 3rd Foot Guards. He served in the campaign of 1793 in Flanders, was present at the affair of St. Amand, battle of Famars, siege of Valenciennes, attack of Lincelles, investment of Dunkirk, and attack of Lamoy. After service in Flanders, Holland and Germany, in the West Indies, and as aide-de-camp to Major-General Campbell on the staff in England and Ireland, on 5th August, 1799, he obtained a company in the 3rd Guards, with the rank of lieutenant-colonel.

In 1801 he was employed in the expedition to Egypt, was present at the landing, was engaged in the battles of 13th and 21st March at Marmorici and Aboukir, at Rosetta and Rhamanie, and at the investment of Cairo and Alexandria. After occupying many important positions, in the autumn of 1808 he went as quartermaster-

general with Sir John Moore to Portugal, and was present at the battle of Vimiera, the affairs at Lago and Villa Franca, and at the battle of Corunna. On March, 1809, he received the brevet of colonel and was appointed quartermaster-general to the forces in Spain and Portugal under Lord Wellington. He was promoted major-general on 1st January, 1812, and on 9th August, 1813, he was made colonel of the 7th Battalion of the 60th Regiment. He was made a K.C.B. on 11th April, 1813, before the enlargement of the Order. On his return home in 1814, he was appointed adjutant-general to the forces in Ireland, and at the end of the year was sent to govern the Canadas with the local rank of lieutenant-general.

At this time Europe was at peace, Napoleon being banished to Elba, and it seemed as if a period of rest was in store for the hero of many wars.

General Murray received his appointment in Quebec by a general order dated April 4th, 1815, in which he was appointed to command the troops in Upper Canada and to administer the Civil Government. He arrived in York soon after and reported to Lord Bathurst, the Colonial Minister, that he "had taken the oath of his office to administer the Government of Upper Canada as senior officer of the forces, with the title of Provisional Lieutenant-Governor instead of President, the latter title being applied to a civilian who had already a seat in Council." Whether General Murray was entitled to the rank of lieutenant-governor or not does not appear to be clear. It is undoubtedly the case that Governor Gore was still acting as Governor, as we find him in May of this year addressing official communi-

cations to Lord Bathurst dated at London, asking leave to erect a temporary Government House at York in lieu of the Government House destroyed by the Americans; and again in the same month, at the request of Lord Bathurst, giving his views on the question of changing the seat of Government from York to Kingston, a project which was then contemplated, but which, owing no doubt to the active opposition of Bishop Strachan, Chief Justice Scott, and Mr. John Beverley Robinson, backed by Governor Murray, who received their petition, was subsequently abandoned.

But General Murray was not fated to remain long in any one place. Soon after his arrival in York, he was followed by the alarming news of Napoleon's escape from Elba, which took place on February 26th, and his arrival in Paris on March 5th. The affairs of Upper Canada ceased to interest General Murray, and war being declared between France and England he felt bound to join the Duke, his old commander, and immediately applying for active service, left Canada without ever having met the Legislature of the Province of which he was Governor, the session having been prorogued by President Drummond before he came to Upper Canada. Having obtained leave to join the army of Flanders, various delays prevented him reaching it until the battle of Waterloo had been fought and Paris occupied. He remained with the army of occupation for three years as Chief of the Staff, with the local rank of lieutenant-general.

On his return home in 1818 he was appointed Governor of Edinburgh Castle. In August, 1819, he was made Governor of the Royal Military College at

Sandhurst, a post he held until 1824. On 14th June, 1820, the University of Oxford conferred upon him the degree of D.C.L. In September, 1823, he was transferred to the colonelcy of the 42nd Royal Highlanders, and in the same year was returned to Parliament in the Tory interest as member for Perth County. In January, 1824, he was elected a Fellow of the Royal Society, and the following March was appointed Lieutenant-General of the Ordnance. In March, 1825, he went to Ireland as commander-in-chief of the forces, and was appointed lieutenant-general on 27th May. He held the Irish command until May, 1828, when he was made a Privy Councillor on taking office as Secretary of State for the Colonies in the Duke of Wellington's administration. He held the post until November, 1830.

At the general election, 1832, he was defeated at Perth, but regained the seat at a by-election in 1834. On his appointment as Master-General of the Ordnance, he again lost the election, and did not again sit in Parliament, although he contested Westminster in 1837, and Manchester in 1838 and 1841. He, however, continued to hold office as Master-General of the Ordnance till 1846. He was promoted general on 23rd November, 1841, and was transferred to the colonelcy of the 1st Royals in December, 1843. He died at his residence, Belgrave Square, London, on 28th July, 1846, and was buried beside his wife in Kensal Green cemetery on 5th August. He married in 1826 Lady Louisa Erskine, sister of the Marquis of Anglesea, and widow of Sir James Erskine, by whom he had one daughter, who married his aide-de-camp, Captain Boyce, of the 2nd Life Guards. His wife died 23rd January, 1842.





*J. Robinson*

Murray was a successful soldier, an able Minister, and a skilful and fluent debator. For his distinguished military services he received the gold cross with five clasps for the Peninsula, the Orders of Knight Grand Cross of the Bath, besides Austrian, Russian, Portuguese and Turkish Orders.

He was the author of (1) "Speech on the Roman Catholic Disabilities Relief Bill;" (2) "Special Instructions for the Offices of the Quartermaster-General's Department;" (3) "The Letters and Despatches of John Churchill, First Duke of Marlborough, from 1702 to 1712."

MAJOR-GENERAL FREDERICK ROBINSON, G.C.B.,  
PROVISIONAL LIEUTENANT-GOVERNOR.

On the retirement from the Province of Governor Murray the executive branch of the Government devolved on Sir Frederick Phipps Robinson, G.C.B., Commander-in-Chief of His Majesty's forces on the Canada station. Sir Frederick Robinson succeeded to the Governorship of the Province on the 1st July, 1815, and continued to hold the office till the return of Mr. Francis Gore from England in 1815. The short period of Sir Frederick's governorship did not afford him an opportunity of performing any administrative actions worthy of recording; he was a soldier, and in that capacity had even at that time won his spurs. Sir Frederick was the son of Colonel Beverley Robinson, of New York, whose name is familiar to readers of the histories of the American Revolution period as a devoted subject of Britain's King. A most hospitable

gentleman, whose house was the rendezvous of the military magnates of that day. He was, of course, a United Empire Loyalist, and was a relative of Sir John Beverley Robinson, Chief Justice of Upper Canada at a later period.

Sir Frederick entered the army in 1777 as ensign in the Loyal American Regiment. In 1799 he was an officer in the 60th Regiment, and during his campaign with that regiment was a prisoner of war several months. Without going into particulars, in general it may be said that he served in several regiments with distinction in the West Indies, in the Leeward Islands, and in the Peninsula. He commanded a brigade at the battle of Vittoria, received a medal and two clasps in recognition of his military service at the siege of Sebastian and the passage of the Nive. As he was not quite forty years of age when on June 10th, 1815, he succeeded to the Governorship of Upper Canada in his capacity of commander-in-chief of the forces, proof is afforded of the estimation in which he was held by the military authorities and his rapid rise in the military service. After leaving Canada he continued as before in the military service of the Crown, and in 1838 was nominated Knight Grand Cross of the Bath. In 1846 he was promoted to the rank of lieutenant-general. He died at Brighton, England, in 1852, thus ending a distinguished military career.



## CHAPTER VII.

### *GOVERNOR GORE—SECOND ADMINISTRATION.*

AFTER a succession of administrators, Governor Gore returned from England, arriving at New York in July, with the first news of Waterloo and the final surrender of Napoleon. From thence he journeyed to his own capital, York, reaching there on the 25th day of September, 1815, and received a right royal welcome from the inhabitants of the town, who presented him with the following address :

*“ To His Excellency Francis Gore, Esquire, Lieutenant-Governor of the Province of Upper Canada, etc., etc :*

“ We, the judges, magistrates and principal inhabitants of the town of York, in approaching your Excellency to express our great satisfaction at beholding you once more among us, feel that we have still greater reason to congratulate ourselves on the happy event. The experience of your past firm and liberal administration, by which the prosperity of the Province has been so essentially promoted, teaches us to anticipate the greater benefit from its resumption, and this pleasing anticipation is confirmed by our knowledge of the fraternal solicitude which induced you while in England to bring, upon all proper occasions, the interests of the colony

under the favorable attention of His Majesty's Government—a solicitude which calls forth in our hearts the most grateful emotions. We rejoice that the blessings of peace are to be dispensed by one who is so well acquainted with the wants and feelings of the colony, and we flatter ourselves that York, recovering from a state of war (during which she has been twice in the power of the enemy), will not only forget her disasters, but rise to greater prosperity under your Excellency's auspicious administration."

This address to His Excellency was well timed and well merited, for the Governor, while in England, had interested himself in the affairs of Upper Canada in a way that could not help but meet with approval. He had, when in London, got a considerable sum of money subscribed for the relief of those who had been wounded in the war and the wives and children of the slain. He had induced the most influential persons to head the list. The Dukes of Kent and Northumberland were at the head of the committee formed to promote the object—they each subscribed one hundred guineas, and the Governor himself followed with a like subscription. He also superintended the execution of a medal in gold and silver in London, intended to be conferred by the Loyal and Patriotic Society for distinguished service rendered to the country during the war. These medals were never distributed owing to a difficulty which arose in determining who should be recipients. By resolution of the society they were ordered to be broken up and converted into bullion. The net value when thus converted was nearly four hundred pounds which, with

a further balance at the credit of the society, went towards the erection of the General Hospital at York, formerly situated on John Street. At this time York was a place of about five hundred inhabitants, and the whole Province had a population of some 50,000.

Governor Gore, on resuming his office, called the Legislature together, to meet him at York on the 6th day of February, 1816, and opened the Provincial Parliament, which assembled on that day, with the following address:

*“Honorable Gentlemen of the Legislative Council and  
Gentlemen of the House of Assembly:”*

“After so long an absence, during which the prosperity of the Province was uppermost in my thoughts, I now embrace the wished-for opportunity of uniting with you in my endeavors to promote that salutary object. It would have been a great satisfaction to me to have been able to communicate any more favorable account of the state of our revered Sovereign than that his bodily health continues unimpaired.

“I congratulate you and every loyal subject on the ultimate and complete success of the great struggle in Europe, in which every member of the British Empire is peculiarly interested, as being chiefly attributed to the auspices of His Royal Highness the Prince Regent and the national arms under the first warrior of modern times. The gallant defence of this colony by its own militia, supported during the early period of the war by a very small portion of His Majesty’s regular force, has acquired for it a high distinction for loyalty and bravery. The obstinate contention with succeeding armies of invaders, and their ultimate discomfiture, has not

failed to attract the attention or notice of the world, and gives to this Province an importance in public opinion which it becomes us to maintain."

It must have been most gratifying to the members of Parliament of that day to have heard the King's representative, in glowing language, pay so high a compliment to the loyal people of the Province as was contained in the Governor's address.

In the session of Parliament of 1816, to which reference has just been made, were passed several Acts of great importance and beneficial tendency. The most important of all, looking to the future welfare of the province, was the "Act granting to His Majesty a sum of money to be applied to the use of the Common Schools throughout the Province, and to provide for the regulation of said Common Schools." By this Act, an annual grant of six thousand pounds, to be fairly distributed in the different districts into which the Province was divided, was made; mode of appointing trustees pointed out, and a board of education established, or to be established, in each district; and, to crown all, the teachers were to be British subjects, thus ensuring the continuance of that loyalty in the youth of the Province which had but recently, in the war just closed, been so conspicuous in the fathers of the country.

This was the first Act relating to Common Schools passed by the Legislature of the Province, and was a fitting tribute made at the shrine of white-winged peace, a worthy celebration of the termination of a fratricidal war.

In the same session both Houses of Parliament, the

Legislative Council and Assembly, passed a joint address to the Prince Regent, couched in the following language :

*“To His Royal Highness :*

“We, His Majesty’s most dutiful and loyal subjects, the Legislative Council and House of Assembly in Provincial Parliament assembled, impressed with a lively sense of the firm, upright, and liberal administration of Francis Gore, Esquire, Lieutenant-Governor of this Province, as well as of his unceasing attention to the individual and general interest of the colony during his absence, have unanimously passed a bill to appropriate the sum of three thousand pounds, to enable him to purchase a service of plate commemorative of our gratitude. Apprised that this spontaneous gift cannot receive the sanction of our beloved Sovereign in the ordinary mode, by the acceptance of the Lieutenant-Governor in his name and behalf, we, the Legislative Council and Assembly of the Province of Upper Canada, humbly beg leave to approach your Royal Highness with an earnest prayer that you will approve this demonstration of our gratitude, and graciously be pleased to sanction His Majesty’s name to the grant of the Legislature on behalf of the inhabitants of Upper Canada.

“25th March, 1816.”

It is a curious fact that notwithstanding the gratitude expressed in the address of the Assembly, in the next session the members of the House and the Governor were very much at variance on many questions. The session of 1817, in which this disposition of members to measure swords with the Governor was shown, was the first

session of a new Parliament, which accounts for the change in the sentiments of members. New blood was a feature of the new Parliament, made up of members of very independent thought, men who were quite prepared to urge reforms, even though thereby they should place themselves in opposition to the Viceroy of the Province. The names of these men, as they have come down to us in history, indicate that they were not of the Thorpe-Willcocks coterie, but an entirely different class.

After several Acts had been passed during the session, none of which was of general importance (in fact, they were mostly Acts to repeal, amend or continue old laws), the House resolved itself into a Committee of the Whole to take into consideration "the present state of the Province." For the House to do such a thing as to inquire into the state of the Province, according to the ideas of the Colonial Government as it prevailed at that time, was in the opinion of some, especially in the opinion of officialdom at York, a direct reflection on the Governor and his Executive Council. Office-holders stood aghast at the proposal, and so disgusted was the Governor that he cried out when he first heard of it, "I will send the rascals about their business;" and indeed he would have done so before the setting in of another day had not the good sense of Chief Justice Powell prevailed with him to postpone taking such over-active steps to rid himself of an obnoxious House. He was not, however, long restrained, for the very next day, on the assembling of the members, and before the minutes were read, a message was received from His Excellency requiring the attendance of the House at the bar of the Legislative

Council. In obedience to this summons the members of the Assembly proceeded to the Upper House, where they were confronted by the Governor, who in a curt speech informed them that they had been engaged in their labors sufficiently long for the present session and that they were now at liberty to return to their homes.

It is only necessary to mention the names of the members who formed the majority in support of the resolution to inquire into the state of the province as proof that there was something wrong somewhere. Their names were Macdonell, McMartin, Cameron, Jones, Howard, Casey, Robinson, Nelles, Secord, Nichol, Burwell, McCormick, Cornwall. These men, though called Tories, were really moderate Reformers as we view things at the present day. The minority who were for pursuing the old policy of letting well-enough alone, were Van-Koughnet, Chrysler, Fraser, Colter, McNab, Swayzie, Church. They were Tory of the Tories.

It is not surprising that Governor Gore, after (it must have been in a fit of spleen) calling members of the house "rascals," and bringing the session abruptly to a close, should not care to have further communication with a Canadian Parliament. A month after the close of the session he returned to England to make his own representation of the state of the Province and to justify himself with his masters, the British Government. This he did to his own satisfaction, and presumably to the satisfaction of the Colonial Minister in London, behind whose chair he was a power.

Governor Gore's name was perpetuated in Canada in the name of the old Gore District. His wife's name is also perpetuated. Her name was "Arabella"—*i.e.*, her

Christian name. The Governor's familiar abbreviation of the name was "Belle." The Governor jocosely suggested that this name with a *ville* (town) added would make a good name for a place, hence Belleville. The county town of Hastings has the honor of getting its name from the compound Belle-ville.

The Governor had many staunch friends in York, both official and others, who had joined with him in his policy, especially in regard to the exclusion of Americans from becoming owners of land in the Province. These friends, in bidding farewell to the Governor just before his setting out for England, presented him with an address, commending his administration of the affairs of the Province and the solicitude with which he had watched over the welfare of His Majesty's subjects and cherished the "sentiments of loyalty to the best of Kings, by which alone this colony can be a valuable appendage to the Crown or an agreeable place of residence for British subjects."

In this address his admirers even went so far as to express the hope that the Governor would return again to the Province to reign over His Majesty's Canadian subjects.

He never did return to Canada. It could hardly be expected that he would after the very abrupt and cavalier manner in which he dealt with the people's representatives in the session of Parliament just preceding his departure from the Province.

Soon after leaving Upper Canada for England, Mr. Gore was, in 1818, appointed Deputy-Teller of the Exchequer. He continued to enjoy the patronage and confidence of the Marquis of Camden in this office till a



new arrangement of that important department, under Lord Grey's administration, placed him in retirement. His home in England was in London. He was a prominent member of the Athenæum Club, where he spent many agreeable hours, and his knowledge of life and business habits and his strong, straightforward sense placed him frequently on the Committee of Management. To be a manager of such a club was no slight honor in those days, as its portals received the most eminent members of society in England, both civil and military. There were congregated of an afternoon Cabinet Ministers, parliamentary orators, peers, judges, physicians, recent rulers from India, Africa, and America, officers of both services, the poet, the novelist, editors, men of science and of law, artists, barristers—with and without briefs—who might be seen daily mingled in groups according to their taste or range of acquaintance. Theodore Hooke, prince of wits and humorists, was a member of this club, and had many a friendly banter with Gore, who passed by his Canadian title of Governor within the precincts of the club. The Governor and Hooke were soon sworn allies, and never met or parted without a trial of wit. It is safe to say that Hooke in a contest of this kind would come off the victor. Theodore Hooke organized in this club a body called the "Knights of the Napkin," who dined together at the club. Seated around the table might be seen not only Hooke and the Governor, but a goodly company of distinguished men, who, if not absolutely choice spirits, enjoyed the flow of soul and could freely contribute to the fund of hilarity.

The Governor frequently paid a visit out of London

to Wilderness Park, the seat of the Marquis of Camden, where he spent, as he said, many of his most agreeable hours. In August, 1838, he lost his wife, and for a time gave up housekeeping, but soon returned to it in his former neighborhood, Grosvenor Square. During the last three or four years of his life he lost the free use of the lower limbs, so that he could no longer walk to his club. Members of the club who were partial to him frequently visited him at his residence, and he was thus enabled to keep up a friendly connection with what had been to him a great source of happiness. Latterly infirmities crept on, but his constitution enabled him to withstand the ravages of age and infirmities for a considerable period, till at length, in his eighty-fourth year, dropsy was added to his other complaints, and although still fresh and vigorous in mind, he expired at Brighton on November 3rd, 1852.





Sam Smith

## CHAPTER VIII.

### *SAMUEL SMITH, ADMINISTRATOR.*

THE Honorable Samuel Smith was of English descent. He was born at Hempstead, Long Island, on the 27th December, 1756. His grandfather, Benjamin Smith, emigrated from the north of England about 1740, and settled at North Hempstead, where he purchased a considerable estate. Benjamin Smith had three sons, of whom James was the youngest. James married Amy Serring, who was of English birth. The fruit of this marriage was one son, Samuel, and a daughter, Elizabeth. James Smith's wife died not many years after these children were born, and within a few years he married his second wife, Anne Valentine, the daughter of a near neighbor of Long Island. By Anne Valentine he had three children, one of whom, Anne, became the wife of the Honorable Alexander Macdonell of Toronto, a member of the Legislative Council of Upper Canada. On the breaking out of the American Revolutionary War of 1776, Samuel Smith, the future Administrator of the Province of Upper Canada, then a boy of sixteen years of age, entered the army. In a family reminiscence which I have before me, written by Anne Macdonell, wife of the Honorable

Alexander Macdonell, for her niece, Mrs. Nellis, of Grimsby, she says of this period and her brother James' relation to it: "It was a critical period, the commencement of the American Revolutionary War, when a decided part must be taken. My father (James Smith) did not hesitate. He was a King's man to all intents and purposes, even to the day of his death. And with the advice of a friend, Captain Sanford, of the Queen's Rangers, he got a commission in that regiment of an ensigncy for his son. They were sent to Yorke Island, and sometimes stationed on Long Island, so that my brother occasionally visited home."

The young ensign entered with great ardor upon the performance of his military duties. He accompanied the Rangers in their expedition to the more southern of the colonies, was engaged in several battles, and was severely wounded at the battle of Brandywine, the effects of which he felt more or less during the remainder of his life. Before he was twenty years of age he was promoted to a captaincy in the Rangers. At the close of the Revolutionary War, the captain was put on half-pay, and, with many other United Empire Loyalists, retired into New Brunswick, where he remained several months. From here he proceeded to England, and occupied several years in travelling on the continent, visiting France, Italy, and other continental countries. On his return to England, learning that a new regiment of Queen's Rangers was being formed for service in Canada, to follow General Simcoe, on his assuming the first governorship of the Province of Upper Canada, in 1792, he joined the new regiment with the old name, as captain. In 1792 he, with a division of the regiment, was plough-

ing his way through the snow of New Brunswick to join General Simcoe, who had arrived in Canada. Captain Smith followed the fortunes of Governor Simcoe, and in time became colonel of his regiment. He was with Simcoe at Niagara and York, and in 1793 the Crown granted him 1,000 acres of land for his services. This land was in the territory adjoining Burlington Bay to the west. In the record of this grant he is called captain, from which it appears that it was after this that he was made colonel of the Rangers. Colonel Smith's original homestead in the county of York was in Etobicoke township, in the neighborhood of the river Etobicoke. He had also a town residence on Richmond Street, a little west of York Street, in the town of York. He was appointed member of the Executive Council on the 7th October, 1815, and on the retirement of Governor Gore, became Administrator of the Province, filling the interregnum between the departure of Gore and the arrival of Sir Peregrine Maitland, his successor.

The second session of Parliament was opened at York on the 5th day of February, 1818, by Colonel Samuel Smith, and closed on the 5th day of April following. The members of Parliament during this session seem to have devoted their attention to the improvement of the internal affairs of the Province, which had been put so much out of joint during the war. It became necessary to raise money to carry on the Government, and what source of revenue was to be found more advantageous than an inland revenue tax on spirituous liquors, then largely consumed in the Province? The first Act of the session held under the administration of the Honorable Samuel Smith was "an Act to impose a

duty upon persons selling wine, brandy, and other spirituous liquors."

Only thirteen Acts were passed during the session, and the most important of them were of a similar inland revenue character. Colonel Smith's administration lasted from June 11th, 1817, to August 12th, 1818, when the new Governor, Maitland, took the oaths of office. After his retirement he lived privately, except for a short time in 1820, when he was administrator for about four months during Governor Maitland's absence, until 1826, dying on October 20th of that year. The Reverend Doctor Phillips, Anglican clergyman, in a sermon delivered by him in York, pronounced an eulogy on the Administrator, then lately deceased, which summarized contemporary opinion. Referring to the Administrator's death, he said, "It affords us much pleasure to recapitulate his virtues as a soldier, a senator, a father, and a friend. His youthful blood was shed in our country's cause, and he nobly withstood the mad career of the rebellion, to maintain the standard of British glory. His conduct in the high and distinguished office of Administrator of the Government of the Province was marked with undeviating rectitude, evincing on all occasions a firm attachment to the best interests of this happy and flourishing colony. He was a zealous supporter of the laws and constitutions of the British Empire, and a bright ornament of our Protestant Church. Paternal affection and solicitude were conspicuous in his domestic relations, and as a friend, the individual feelings of those who knew him from his youth, many of whom are here present, who were his fellow associates in the arduous cause in which he was engaged, will bear



testimony to his extreme kindness and amiable disposition. As a Christian, the sincerity of his faith and pious resolutions were manifest in his walking humbly with God."

Samuel Smith Macdonell, of Toronto, and Mrs. McWilliams, wife of former City Solicitor McWilliams, are grandchildren of the Honorable Samuel Smith, the Administrator.

## CHAPTER IX.

*SIR PEREGRINE MAITLAND, K.C.B.,  
LIEUTENANT-GOVERNOR.*

SIR PEREGRINE MAITLAND, who was the Governor appointed to succeed Governor Gore, was born at Long Parish, in Hampshire, England, in 1777, and was the son of Thomas Maitland, Esquire, of Shrubs Hill, in the New Forest. He entered the army on the 25th June, 1792, then only fifteen years of age, as ensign in the 1st Guards, and was promoted to lieutenant and captain April 30th, 1794. He served throughout the campaign in Flanders, and was present in several actions; also at Ostend in 1798. In those stirring days rapid promotion was the order, and he succeeded to a company June 25th, 1803, with the rank of lieutenant-colonel. In 1808-9, he served in Spain, and was engaged in the actions of Lugo and Corunna, for which he received the silver war medal, and was in the expedition of the latter year to the Scheldt. He obtained the brevet rank of colonel January 1st, 1812. At the battle of the Nive he commanded the first brigade of Guards, for which he received the gold medal. He became a major-general June 4th, 1814; and at Waterloo commanded the first British brigade of the first division, consisting of the 2nd and 3rd Battalions of the 1st Foot Guards. On



*J. Maitland*



the 22nd June, 1815, he was nominated a Knight Commander of the Bath, and for his services at Waterloo he received the fourth class of the Order of Wilhelm and the third class of Wilhelm of the Netherlands.

With such a brilliant military record, in days when it was the custom to appoint military men to colonial government, it is not surprising that Sir Peregrine Maitland was appointed Lieutenant-Governor of Upper Canada at the close of the Continental war and the peace ensuing on the fall of Napoleon in 1815.

Sir Peregrine Maitland is described by Dr. Scadding, in his "Toronto of Old," as a tall, grave officer. The Doctor's description refers to his Sunday attendance at the Church of St. James. "To limit ourselves to our own recollections, here, at St. James' Church, with great regularity every Sunday was to be seen, passing to and from the place of honor assigned to him, a tall, grave officer, always in military undress, his countenance ever wearing a mingled expression of sadness and benevolence, like that which one may observe on the face of the predecessor of Louis Phillippe, Charles X, whose current protrait recalls, not badly, the whole head and figure of this early Governor of Upper Canada."

Sir Peregrine was a man of fine military carriage, and though somewhat reserved in his manner, was always frank and open with those with whom he came in contact. He married Lady Sarah Lennox, the graceful and elegant daughter of the Duke of Richmond. There was something of romance about this marriage which attracted considerable attention at the time it took place. On the eve of Waterloo, as is well known to readers of history of the time, the Duchess of Richmond gave a ball

at Brussels, commemorated by Lord Byron in "Childe Harold," in the lines so well-known in which he tells of the battle of Waterloo. Major Maitland and the Lady Sarah were at that ball. Whether he there met his fate is not recorded. It is certain, however, that proposals of marriage were about this time made by Major Maitland to the Lady Sarah, and were by her favorably received. But the Duke objected, and flatly refused his consent to his daughter's marriage to one who, however gallant an officer, was not deemed a suitable match for the daughter of a great nobleman. Lady Sarah was in no way disconcerted, and while her father was resident in Paris, during the occupation of the allied armies after Waterloo, she one day deserted the parental home, repaired to the brave officer's quarters, captured her soldier, and married him without her father's consent. The young lady being married, the Duke had nothing to do but forgive, which he seems to have done readily, and as became his station he at once sought for means to make their position secure. His appointment as Governor-General of the Canadas, in 1818, gave him the opportunity to provide for his daughter and her husband, and Sir Peregrine was, through the Duke's influence, at once offered the office of Lieutenant-Governor of Upper Canada, which he accepted on January 3rd, 1818, and accompanied the Duke to the Province on his crossing the Atlantic to assume the office of Governor-General.

The Duke had been Viceroy of Ireland before receiving his Canadian appointment. His official career in Ireland, involving, as it did, heavy expenditure, had not proved very profitable, and to repair his fortune,

which had been seriously impaired by his extravagance while holding the Viceregal post, he was glad to accept a colonial appointment. But he did not live long to enjoy his new office. He paid a visit to Sir Peregrine and his daughter, Lady Sarah, at York, in 1819. Returning to Quebec by way of Kingston, he reached a hamlet now grown to the village of Richmond. Here he was taken with a sudden illness, hydrophobia, caused by the bite of a pet fox, and after a few hours of intense suffering, he died on August 29th, 1819.

Sir Peregrine had not been at York, the capital, for a very long period when he deemed it advisable to convene Parliament to take into consideration matters of import. One reason, if not the principal one, for his summoning the members of the Legislature to meet him at the capital, was the agitation of the people, promoted by Robert Fleming Gourlay. Gourlay was a Scotchman, of Fifeshire, descended from an old and respected Scottish family. He was the son of a lawyer in Edinburgh, who at one time had been regarded as a person of wealth, but whose inheritance of land had become so reduced in value at the close of the Napoleonic wars that he became bankrupt. Gourlay was in his youth flighty and erratic, ambitious to a degree, yearning for fame of some kind, even though it should be that of a general agitator. This he became while yet in Scotland, went from Scotland to England, preached agitation there, and finally, at the age of thirty-five, emigrated to Canada, where he took up the same pursuit. Sir Peregrine Maitland had taken up his residence in York, in the month of August, 1818. In a very short time after his arrival, Gourlay, whose

proceedings were perfectly frank and open, wrote to the Governor "that he was under a charge of libelling the Government, and that he would have no objection to wait upon him at any time and give him the benefit of his experience." This letter caused the Governor to make inquiry as to Mr. Gourlay's antecedents, when he found what manner of man he had to deal with. He found further that Gourlay had, in continuance of the proceedings of a convention of the people held under his auspices to deliberate upon the propriety of sending commissioners to England to call attention to the affairs of the Province, drafted a petition to the Crown of a very startling character. In this draft petition it was alleged that "corruption, indeed, had reached such a height in the Province that it was thought that no other part of the British Empire witnessed the like. It mattered not what characters filled situations of public trust at present: all sunk beneath the dignity of men, and have become vitiated and weak."

The language of this petition, to the minds of the Executive Government, afforded an opportunity for indicting Mr. Gourlay for seditious libel. Four days after his letter to Sir Peregrine he was in the Kingston gaol, for the matter contained in the petition. He was brought to trial on August 20th and acquitted, and was tried again at Brockville ten days afterwards for another libel contained in the same petition, and again acquitted. Gourlay had many sympathizers among the people, as with all his eccentricity, which led some to suppose he had a bee in his Scotch bonnet, he had the true interest of the people at heart, and his agitation was for reforms which, in his opinion, could only be



wrung from the Executive by heroic measures. *Agitate! agitate!!* was his motto, and well he performed his task.

Sir Peregrine Maitland, no doubt considering it would be more proper for the Provincial House of Parliament, under his guidance, to deliberate on the affairs of the Province, than for Mr. Gourlay and his convention to take the matter in hand, called a meeting of the House for the 12th of October, 1818, and opened the Legislature with a short speech, one paragraph of which was: "In the course of your investigation, you will, I doubt not, feel a just indignation at the attempts which have been made to excite discontent and to organize sedition. Should it appear to you that a convention of delegates cannot exist without danger to the constitution, in framing a law of prevention your dispassionate wisdom will be careful that it shall not unwarily trespass on the sacred right of the subject to seek a redress of the grievance."

This paragraph of Sir Peregrine's speech was, no doubt, aimed at Gourlay, who had now gained great prominence, and, as can be seen from the foregoing, the agitator was agitating with success, even the Governor being attracted by his propaganda.

The mind of the Governor reflected itself in the House of Parliament passing "an Act for preventing certain meetings in the Province," which, however, was found to be so distasteful to the people that it was repealed by their representatives within two years.

Having in my narrative of "The Rebellion of 1837" discoursed somewhat at large of Mr. Gourlay and his eccentricities, troubles and trials, I will not pursue the subject further here, but merely add that it cannot be

doubted that he was the originator and promoter of considerable reforms in the Province. While we must deplore the sad results which in some measure were hastened by his energetic agitation for popular rights, we must truly accord the tribute of honor to a true patriot who "courted no man's favor and feared no man's frown."

It was unfortunate for Sir Peregrine Maitland that he had to deal with a man of Gourlay's metal in his early administration, but when Scot meets Scot then comes the tug of war. Sir Peregrine was of a Scotch family, and so was Gourlay; but the Governor had the power of force, Gourlay only the power of speech. Speech had to give way to force in the end. Notwithstanding all his misfortune, Gourlay lived to the ripe old age of eighty, and died in his native Scotland in 1863.

Sir Peregrine's permanent residence in Canada was not at York, but at Stamford, three miles west of Niagara Falls. Here he built a house, to which was given the name of Stamford Cottage. Here at least he could be free of the jarring elements which existed at the capital; here he could live in comparative ease and comfort, away from agitators and all their kindred; here he could in quiet retirement, having all the enjoyment desirable from living almost within a stone's throw from that wonder of the world, the great cataract of Niagara. Noblemen and others who crossed the Atlantic to visit the United States and Canada were sure to pay Sir Peregrine a flying visit. Stamford Cottage, built in a large park of many acres, surrounded by fine trees of the Canadian forest, was frequently visited by tourists

from the old land ; so the Governor's life was varied somewhat by the distant echoes of the confusion created by the political agitator from afar and the entertainment of those who visited him in his home. In 1824 the Governor had quite a distinguished number of visitors. They were Mr. Stanley, afterwards known as Lord Derby ; Mr. Denison, M.P. for Newcastle, afterwards Speaker of the British House of Commons ; Mr. Stuart-Wortley, M.P. for Bossinley, in Cornwall, afterwards Lord Wharncliffe.

Notwithstanding the Governor's desire to live a life of comparative quiet, the serenity of his mind was too frequently agitated by perusal of newspapers containing offensive personal or political allusions to himself, matter in his opinion detrimental to the interests of the Province he was sent to govern. Having got well rid of Gourlay by banishment, his peace of mind was soon disturbed by the sudden rising into popularity of another Scot, if possible more aggressive than Gourlay. This was William Lyon Mackenzie, a man somewhat of the same type as Gourlay, but more of the Radical demagogue and more unscrupulous.

Mackenzie had come to the Province in 1820, about the same time as Gourlay, and between that time and 1824 was occupied in trade, for which he was well fitted, and if he had adhered to it instead of dabbling in the slime of politics he would have saved himself an infinity of trouble. In this year of 1824 he abandoned the business in which he had been engaged, and established and published a newspaper, the plain object of which was, if possible, to overthrow Sir Peregrine Maitland and his Government. The *Colonial Advocate*

—for that was the name of the paper established by Mr. Mackenzie—bent on a mission to reform the Canadian colony, had its birth-place in Queenston, only a few miles from the Governor's Stamford house. In the first number of this paper, Mr. Mackenzie, the publisher, assailed Sir Peregrine, the Executive Council, and the Legislative Council—the latter being represented as "selected from the tools of servile power." Mr. Mackenzie was not himself a tool of any power, and was, without exception, the most politically independent man of his day, frequently at variance, not only with the Governor and the Executive and Legislative Councils, but with his own friends, equally with himself imbued with the necessity of reform in the Government. The difference between himself and his fellow reformers was that he was always in advance, always in the lead, his purpose being to overthrow; while that of other reformers was by judicious management to ameliorate the condition of affairs. The difference was one of degree, not one of principle.

The first step was to reform the Legislative Assembly, and this they succeeded in doing, for, at the general election in 1824, the Government party was defeated and a majority of Reform representatives sent to the House of Assembly, the most prominent of whom were Marshall S. Bidwell and Peter Perry, returned for the counties of Lennox and Addington. In capturing the Assembly these reformers thought they had gained the Government. Mr. Mackenzie and his followers, with a due appreciation of responsible government as it existed in England, believed that now that they had control of the Assembly they could control all the public

affairs of the Province. Fatal error; they were soon given to understand by the Governor that he owed no responsibility to them, but only to the British Government; that they were to him but an advising body, whom he might or might not consult as he thought proper. The Governor's position was the right one to take as the Colonial Government existed at that day. It is not too much to say, that to Bidwell, Rolph, and Mackenzie, and those who co-operated with them at that period, much, if not all, the credit is due for bringing about a different state of things and the establishment of responsible Government as it exists at the present day. The regrettable thing is that the over-energetic Mackenzie resorted to means to obtain this result which could have been obtained by other methods than rebellion, with its attendant miseries, the loss of many lives and manifold calamities.

Sir Peregrine Maitland, equally with the officials who were endeavoring to carry on the Colonial Government as it was, and not as it ought to have been, came under the lash of Mr. Mackenzie, the apostle of reform. The residence of the Governor being at Stamford, necessitating the frequent crossing of the lake to meet the Executive Council at York, presented a fine opportunity to the agitator, Mr. Mackenzie, to hurl a shot at His Excellency. In the very first number of the *Colonial Advocate* he wrote of the Governor, "that he knew Upper Canada's wants, as he gained a knowledge of the day by report, in the one case by the Niagara gun and in the other by the *Gazette* essay upon stupor and inactivity." The *Gazette* was the Government organ, hence Mr. Mackenzie's satirical allusion to the information derived from

its columns. The fact is that Mackenzie had promoted himself to the position of censor of the Governor, of the Government, and of everybody and everything that had any part or hand with either or both.

Sir Peregrine was not a man disposed to submit to insult from any man. Mackenzie, not only in the first number of his paper, but in succeeding numbers throughout the summer of 1824, continued to assail the Governor and the Government in his most offensive style of writing, full of sarcasm and allusions as discreditable as they were untrue. Notwithstanding this, Mr. Mackenzie, aided by certain political friends, managed to have deposited in the cavity of the corner-stone of the first monument erected to the memory of Sir Isaac Brock on Queenston Heights, which was laid on October 13th, 1824, a copy of the first issue of the *Colonial Advocate*. This occurred during Sir Peregrine's absence on an official tour through the eastern part of the Province. One can imagine the feelings of the Governor on learning of the occurrence. That a copy of a paper which had been so accustomed to vilify him and his Government had been given a place in the corner-stone of a monument being erected to Brock, the warrior chief of 1812, so justly called "The Hero of Upper Canada," and that too during the administration of a soldier Governor, was not to be tolerated. The Governor, on his return to the seat of government, gave instant orders that the foundation of the monument, which had then reached a height of fourteen feet, should be dug out and the offensive document removed, and this was done by one of the commissioners who had charge of the erection of the

monument and the architect. It may easily be surmised what pleasure Sir Peregrine must have taken in rooting out, as it were, the dross from the pure stone of the monument erected to the memory of a soldier whose grave he deemed would be defiled by Mackenzie's sheet.

The year 1824 was an eventful one in many ways as affecting the future growth and welfare, not only of the Province at large, but of York, its capital. It was on the Christmas eve of this year that the cubical brick block, erected for legislative purposes at the foot of Berkeley or Parliament Street in 1818, to supply the place of the Parliament House built on the same site, and burnt by the Americans on their capture of York in 1813, was accidentally destroyed by fire. The consequence of this was that Sir Peregrine Maitland was forced to open the first session of the ninth Parliament, on January 13th, 1825, in the General Hospital building, which had been recently erected west of John Street.

It is suggestive that His Excellency was doomed, not only to meet the political fire of many adversaries during his time, but was, by the destructive element, driven from the old house of meeting at the foot of Parliament Street to a building originally intended for the sick, but now converted into a debating-house for the healthy but inflammable members recently elected to represent the people of Upper Canada in Parliament assembled.

The session of the Legislature held in 1825-26 passed over without anything of a startling nature happening under the reformed Parliament. Some good laws were passed, principally of practical utility. Mr. Mackenzie still plied his trade of *ensor morum*, very much to the discomfort of the Government and the civil servants

of the Government, many of whom came under his lash. Some time after the close of the session, some young men of the town, by family ties or in some other way connected with the civil servants, on a fine summer evening, the 8th of June, 1826, boldly entered the office of Mr. Mackenzie, at the corner of Caroline and Palace Streets, scattered the type of the *Colonial Advocate*, which had been set up, and threw a part of it into the bay—a foolish thing to do, as it only gave Mr. Mackenzie more notoriety and excited a degree of sympathy for him in the minds of many. Mr. Mackenzie subsequently brought an action against the rioters, and recovered a verdict of £625. The rioters had sympathizers as well as Mr. Mackenzie, and the greater part of the verdict was paid by subscription, and, as usual, the public paid for the politicians' sport.

Sir Peregrine Maitland had not much respect for a House of Assembly of which the majority of the members were bent on reducing his authority and that of his Government, made up of individuals who, because of their tendency to stand by the Governor and by one another, were given the name of the "Family Compact." An incident occurred in 1828 which shows the value placed by Sir Peregrine on his own authority. It happened that during the session of Parliament of that year a committee of the House of Assembly desired to have the evidence of the Superintendent of Indian Affairs, and of the Adjutant-General, in relation to a trespass by one Forsyth on government property at the Falls of Niagara, and commanded their attendance before the committee at a certain day and hour. The Superintendent and Adjutant-General applied to Sir Peregrine, who besides being Lieutenant-Governor was Com-



mander-in-Chief of the forces at the time, for permission to obey the mandate of the House. Sir Peregrine refused to give them permission, and they were both arrested by the Sergeant-at-Arms for disobedience of the order of the House, taken to the common gaol, and kept there in confinement to the end of the session. Sir George Murray, himself at one time Lieutenant-Governor of Upper Canada, who had lately succeeded Mr. Huskisson as Colonial Secretary, severely censured Sir Peregrine for his conduct in refusing permission to the officers summoned to attend a committee of the House of Assembly. Sir Peregrine was removed from the Government the same year. On the announcement of his recall, addresses poured in upon him from different parts of the Province, all expressing sentiments of personal regard and respect for his administration of the Government. After his removal from the governorship of Upper Canada, Sir Peregrine had many opportunities or appointments, both civil and military—in the former capacity as Lieutenant-Governor of Nova Scotia from November, 1828, to October, 1832; in the latter as Commander-in-Chief of the Madras army in 1836, and Governor and Commander-in-Chief at the Cape of Good Hope, 1843-46. He attained the rank of general in 1843, and in 1853 was nominated a Knight Grand Cross of the Bath. In 1820 he was Administrator-in-Chief of Canada for three months.

As Lieutenant-Governor of Upper Canada he was in every way acceptable to the oligarchy of his day, but distrusted by those imbued with the rising spirit of reform and revolution, which gained head and ended in rebellion at a subsequent period. He died in London, England, on the 30th day of May, 1854.

## CHAPTER X.

### *SIR JOHN COLBORNE, K.C.B., LIEUTENANT-GOVERNOR.*

SIR JOHN COLBORNE was born in England in the year 1778, received his education at Christ's Hospital (the Blue Coat School), and afterwards at Winchester College, and entered the service in the British army as ensign in the year 1794.

He served in Holland in the campaign of 1790, in Egypt in 1801, and with the British and Russian troops employed on the Neapolitan frontier in 1805; also in Sicily and Calabria in the campaign of 1808, and was present at the battle of Maida. In the same year, 1806, he was military secretary to General Fox, Commander of the Forces in Sicily and the Mediterranean, and to the celebrated Sir John Moore in Sicily, Sweden, and Portugal, and was present at the battle of Corunna. In 1809 he joined the army of Lord Wellington (then Marquis of Wellesley) and was present at the battle of Ocana. He had now received command of a regiment, being appointed to a lieutenant-colonelcy. He commanded a brigade in Sir Richard Hill's division in the campaigns of 1811-1818, and was detached in command of the brigade to Castle Branco to observe the movements of General Renfrew's corps d'armee on the



*Molboer*



frontier of Portugal. At the battle of Busaco he commanded a brigade, and also on the retreat to the lines of Torres Vedras. With the brigade he occupied outside of the lines the town of Alhandra and the advanced position near Villa-France, during the time the army was in this position and afterwards when Massena retired from the front of the lines. He crossed the Tagus and had charge of the posts on that river opposite the French corps at the confluence of the Zezere till the evacuating of Portugal by Massena. He commanded the advanced guard of infantry and cavalry at the combat of Campo Mayor, in Portugal, and was detached in command of a brigade and force of artillery and cavalry, with orders to drive back the French outposts during the siege of Badajos in 1811. He also commanded a brigade at the battle of Albuera. In 1812, on the investment of Ciudad Rodrigo, he commanded the force of the Light Division which stormed the redoubt of San Francisco, on the greater Teson, and the 52nd Light Infantry in the assault on the fortress and town, in which action he was seriously wounded. In 1813 he commanded the Second Brigade of the Light Division at the attack on the French position and entrenched camp on the heights of Vera, at the battle of the Nivelle and the Nive, and during the operations in the Basque Pyrenees. He led the attack of the 52nd Light Infantry on Marshal Soult's position at the battle of Orthes, in 1814. Also, in the same year, he commanded the Second Brigade of the Light Division at the combats of Vic, Bigorre, and Tarbes, and the 52nd Regiment at the battle of Toulouse. He also, in 1814, found time to marry, and took to wife Miss Yonge, daughter of James

Yonge, Esquire, of Puslinch, and by her had a large family. After the military exploits above narrated, he was appointed colonel and Prince Regent's aide-de-camp, and military secretary to the Prince of Orange, Commander-in-Chief of the British forces in the Netherlands. In 1815 he was present at the battle of Waterloo, in command of his old regiment, the 52nd, and commanded a brigade on the march to Paris. His career had been a brilliant one, and he was decorated with the honors of a Knight of the Tower and Sword of Portugal, of Marie Theresa of Austria, and of St. George of Russia. He subsequently became Lieutenant-Governor of Guernsey, and in 1825 he was made a major-general. In 1828 he was appointed Lieutenant-Governor of Upper Canada.

His coming to Upper Canada was like entering a hostile camp, so far as the Legislature of the country, or rather that branch of the Legislature called the Assembly, was concerned. The majority of the members were in a sullen mood, occasioned by the small encouragement given them by Sir Peregrine Maitland in their efforts for reform.

Sir John Colborne's arrival in York to assume the Government took place in November, 1828. Certain of the inhabitants of York, not in sympathy with the existing state of affairs, but siding with Mr. Mackenzie and his party, presented him with an address, couched in the following language :

“ We cannot conceal from your Excellency without a sacrifice of candor that there are many important subjects which have deeply affected the feelings of the people. But we are solicitous to regard the accession of your Excellency to the Government of this Province

as the commencement of a new era, in which your Excellency, above the prevailing influence of political dissensions and unhappy advice, will prove our constitutional benefactor, and realize the paternal wishes of our Most Gracious Sovereign to bless his people with mild, just and conciliatory principles of Government."

This address was but the forerunner of other addresses presented to His Excellency. In one of these other addresses the petitioners go into particulars setting forth the grievances, or some of the grievances, of which they complained. The petitioners in the address say :

"Whilst we, the undersigned inhabitants of York and its vicinity, regret extremely that our first welcome should be embittered by complaint and prayer, and while it is far from our disposition or intention to call on your Excellency, at the moment of your arrival, to interfere in any manner with the proceedings of the Courts of Justice, even with the most splendid prerogative of your office, the administration of justice in mercy, yet feeling ourselves disregarded and our rights endangered by many late proceedings of the provincial administration, and amongst those proceedings as especially worthy of notice on this occasion by the late arbitrary and unconstitutional removal of a judge highly and justly esteemed by us ; by the destruction of one independent press, by a violence, almost burglarious, by clerks, relations and dependents of men in office and power ; by the silencing another press by means of unconstitutional security exacted of its editor, before any conviction of its fault ; and now by the virtual suppression of a third independent press by a most

severe and disproportionate sentence passed on its editor, Francis Collins, on a libel—a sentence fraught with a measure of punishment against the temperance and moderation expressed by the jury who convicted him, and against the spirit of the expressive charter of British rights, that great pledge of safety to the subject, ‘that no man shall be fined to his ruin’—we, the undersigned, pressed by such grievances, entreat that your Excellency will please, as speedily as possible, to convene the Provincial Parliament, to whom we may make our complaints, and by which course your Excellency may, through that legitimate and constitutional channel, arrive at the knowledge of the true state of the country, a thing not attainable by your Excellency through the advisers of your Excellency’s misguided predecessor.”

Francis Collins, whose name is mentioned in this address, was editor and proprietor of the *Canadian Freeman*, a newspaper established by him, in 1825, in the interests of the new Reform party. The paper was, of course, scathing in its criticisms on the Government and the officials in any way connected with it. Mr. Collins was a man of talent, and could infuse as much gall of bitterness into his editorials as William Lyon Mackenzie, of the *Colonial Advocate*; the difference between them was that Collins’ gall was Irish, while Mackenzie’s was Scotch. In April, 1828, Mr. Robinson, then Attorney-General, afterwards Chief Justice Sir John Beverley Robinson, considered it his duty to prosecute Collins criminally for four libels published in the *Canadian Freeman*. The jury convicted Mr. Collins, and the judge sentenced him to undergo a fine of fifty pounds,



and imprisonment proportionate to the sum total of the libels. A strong effort was made by friends of Collins, and by the House of Assembly at its next session, to induce the Governor to relieve Collins of his fine and imprisonment, but their petition to His Excellency in his behalf did not prevail. On the 12th March following, the Assembly agreed to an address to the King praying that the Royal clemency might be extended to him, which His Majesty was graciously pleased to grant, and Collins was pardoned. The allusion in the petition of the inhabitants of York to "the late arbitrary and unconstitutional removal of a judge highly and justly esteemed by us," has reference to the removal of Judge Willis by Sir Peregrine Maitland on 26th June, 1828. This judge, forgetting the fate of Judge Thorpe, had entered the political arena in the Province, and had made himself obnoxious to the Government, and especially to the Attorney-General; he quarrelled with him with regard to the legal constitution of the Court of King's Bench and its right to sit in the absence of the Chief Justice. He conceived that he knew more than the Attorney-General and all the other lawyers of the Province bunched together. In this he was probably mistaken. Immediately after his removal the Judge proceeded to England and laid his case before the Home Government, and indeed the whole matter of the administration of justice in Canada. Charges made by the Government and counter charges made by the Judge were investigated by the British Government and by the Privy Council. The result of the inquiry was, it was held that the Judge had erred in his construction of the statute regarding the constitution of the Court of

King's Bench, and that he should have continued to hold the court with Mr. Justice Sherwood, notwithstanding the absence of the Chief Justice.

It was, however, some consolation for Judge Willis to know that if he had erred, the Governor, Sir Peregrine Maitland, had done the same, as the Privy Council held that the removal of Judge Willis from office was too summary, that he should have had charges regularly laid against him, and been given an opportunity of discussing them before removal, though the tenure of office was during pleasure only.

It was before Judge Willis that Collins was brought, under the indictment against him for libel. It was the first time that the Judge had presided at a Court of Assize, and, singular to say, he availed himself of it to make a violent attack on Attorney-General Robinson for his manner of conducting Crown business, a matter that the Judge was not at all familiar with, having been educated for the Equity bar.

Sir John Colborne was not moved by the address presented to him urging him to call Parliament together at once to investigate grievances. Parliament was called for about the customary time, the 8th of January, 1829.

Twenty-five Acts were passed during this session, for the most part of a practical character. One important Act of a political character was passed, the purport of which was to restore to the ordinary courts of law the duty of dealing with sedition and seditious practices, and to repeal an Act of a stringent character, passed during the governorship of Governor Hunter, entitled "an Act for better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof."

The House was prorogued by the Governor on the 22nd of March, after delivering a speech in which he thought necessary to bring to their notice that the civil list was still under the control of the Crown, and that he could not accept the offer of Parliament to make provision for the support of the Civil Government. The Governor said: "I thank you for your offer of making a provision for the support of the Civil Government, which I should gladly have accepted in His Majesty's name, had not the revenue arising from the Statute 14 George III, Cap. 8, the appropriation of which for the public service is under the control of the Crown, appeared quite sufficient to defray the expenses of the current year."

This is a remarkable instance of one branch of the Government offering money to another and it being refused. The policy of the British Government was to retain the control of public expenditure, which they could do only by refusing to Colonial Legislatures the power to manage their own affairs—a principle of Colonial Government long since exploded.

The session of Parliament of 1829, the first session held under the administration of Sir John Colborne, was principally remarkable for the introduction to the House of Assembly of the famous thirty-one grievances and resolutions by Mr. William Lyon Mackenzie. The principle grievances of which he complained were:

1. The absence of local self-government (substantially responsible government).
2. The institution of criminal prosecutions for political libels at the instance of the Crown.
3. The want of independence of the judges, holding office during pleasure only.

4. The power of the sheriffs, holding office during pleasure, in the selection of juries.

5. The patronage exercised by the Crown and the Lieutenant-Governor of the Province uncontrolled by the Legislature.

6. The unpaid war losses (war of 1812), or their being charged to the Provincial instead of the Imperial Government.

7. The absence of a protective system in the trade of the Province.

These were only one-fourth of the grievances complained of; the other three-fourths were of minor importance. All the grievances of which Mr. Mackenzie took account have been remedied, even the seventh, which complained of the absence of a protective system in the trade of the Province. At the present day there are many men, not Reformers either, as was Mr. Mackenzie, who think that the protective system, the absence of which Mr. Mackenzie complained of, has been the cause of the building up of the Dominion. Was Mr. Mackenzie the first Canadian apostle of the trade doctrine of protection?

Sir John Colborne was not so much impressed by the grievances of which Mr. Mackenzie complained as he was by the want of a better system of education in the Province. He also thought that the time of the Legislature might be better employed in legislating on practical subjects than engaged in political controversy. Accordingly, in proroguing the session he took occasion to say to the House: "I cannot close the session without expressing my regret that the people will derive no immediate advantage from your deliberations on two

subjects of primary importance—improvements of Public Schools, and the measures that should be adopted to ensure good roads and safe bridges throughout the Province. In allowing your roads to remain in the present state the great stimulus to agricultural industry is lost.”

The reflex of Sir John Colborne’s enunciated ideas in regard to education and other measures of a practical and beneficial character is apparent from the fact that, shortly after the close of the session, viz., on the 2nd of May, 1829, tenders were solicited for the erection of a college in order to afford to the youth of the Province a higher education than could be obtained in any other of the schools of that day in the Province. In the *Loyalist* newspaper of the 2nd of May there appeared this advertisement: “Minor College. Sealed tenders will be received on the first Monday of June next for erecting a schoolhouse and four dwelling houses. Plans, elevations and specifications may be seen on the 12th inst., on application to the Honorable George Markland, from whom further information may be received. York, 1st May, 1829.”

This was entirely the work of Sir John Colborne, for, in opening the session of 1829, he had said in his speech, “Measures will be adopted, I hope, to reform the Royal Grammar School and to incorporate it with the University recently endowed by His Majesty, and to introduce a system in that seminary that will open to the youth of the Province the means of receiving a liberal and extensive course of instruction. Unceasing exertions should be made to attract able masters to this country, when the population bears no proportion to the number

of offices and employments that must necessarily be held by men of education and acquirements, disposed to support the laws and your free institutions."

Sir John Colborne evidently had in view the establishment of a university at some not distant period, and that in the meantime a minor college should be formed, to be in the future in some way allied to the university.

Sir John, before his term of service expired, saw the erection of the four houses and school-room, tenders for which were called for in Mr. Markland's advertisement in the *Loyalist*, and a high-class school established in Russell Square, under the name of Upper Canada College, fronting on King, above Simcoe Street, in York (Toronto), fully provided with first-class masters, as he had wished it to be; and had the satisfaction of having his sons, or some of them, received as students in that institution. The writer, an old college boy of 1836, recollects Frank Colborne, a student of that year, a son of Sir John Colborne, who is now a retired general of the army, still living in England, and who, it may be said, has a kind remembrance of that old college, a warm feeling which he expressed to the late Hon. John Beverley Robinson, Lieutenant-Governor of Ontario, who visited the General at his home a few years ago. The old college building has gone to decay, but the memory of its halls lives in the minds of many old boys, and the college itself flourishes with all the vigor of youth.

Another building, or set of buildings, much needed in Sir John Colborne's time, was a place for the meeting of the Legislature and for public offices. Sir John Colborne, taking advantage of a vote of the Parliament of

1826, which set apart seven thousand pounds for new Parliament buildings, caused tenders to be called for, for the erection of new Parliament buildings. The old Parliament buildings on Front Street, west of Simcoe, were the outcome of this advertisement. They, too, have gone to decay or are fast approaching decay, and have been superseded by the buildings in the Queen's Park.

Sir John Colborne was ever desirous to promote the advancement of the Province, not only in education, but in everything else calculated to be of real benefit to the Province. Even in the matter of political reform, he was disposed to improve on Sir Peregrine Maitland's methods, if it had not seemed to him that the purpose of a certain faction had the appearance of compulsion; this a soldier of Waterloo would not and could not tolerate.

The ever-formidable Mackenzie was a member of the House of Assembly during Sir John's first session, and also in the second session of the tenth Provincial Parliament, having succeeded in securing his election for one of the ridings of York, defeating Mr. James Small, who, although a Reformer, was not of the advanced type of Mr. Mackenzie.

The second session of this tenth Parliament was opened by Sir John Colborne on the 8th of January, 1830. The Assembly, which then had in it a Reform majority, in their reply to the Governor's speech, on opening the session, seized upon the occasion to inform His Excellency "that his advisers, the Executive Council, from the unhappy policy they had pursued in the late administration, had long deservedly lost the confidence of the country."

Such a reply to the speech from the throne in England would inevitably have led to a change of the monarch's advisers, but this did not follow in Canada, the difference being that under the then system of Colonial Government the advisers of His Excellency were not responsible to the people's representatives, but to the Governor himself. It may have been, and probably was, a pernicious system, but such had been imposed on Canada by the supreme authority of the British Parliament. The British Minister of the day had begun to realize that the system might in the future require amelioration. Sir George Murray, the Colonial Secretary, had, in September, 1829, sent to Sir James Kempt, Administrator in Chief, a despatch, subsequently transmitted to Sir John Colborne, in which he said: "The constitution of the Legislative and Executive Councils is a subject which has undergone considerable discussion, but upon which His Majesty's Government must suspend their opinion until I shall have received some authentic information from your Excellency. You will, therefore, have the goodness to report to me whether it would be expedient to make any alteration in the general constitution of the bodies, and especially how far it would be desirable to introduce a larger proportion of members not holding offices at the pleasure of the Crown, and if it should be considered desirable, how far it may be practicable to find a sufficient number of persons of respectability of this description."

Mr. Mackenzie and the Reform majority in the House would have forced the hand of the Governor if they could, but Sir John was not to be moved. Notwithstanding the vote of the Assembly asking him to dismiss the



Ministers, who enjoyed his confidence, even though they did not enjoy the confidence of the Assembly, he still clung to the Ministers, much to the chagrin and discomfiture of the majority of the House. How could he have done otherwise under the circumstances in which he was placed? He in his position was responsible to the British Government; that Government had not yet changed the constitution under which he governed. With a full sense of his responsibility, he was not prepared to throw the Government into the hands of a party of the professed principles of Mr. Mackenzie. It was an unfortunate position in which to be placed, but the Governor was not to be influenced or intimidated. He turned neither to the right nor to the left, but, as a soldier on guard, awaited the command of his superior officers, preferring to submit to calumny and abuse rather than yield to what he deemed a tyrannous majority. Of abuse he had plenty from the organs of the Reform party. So much was heaped on the Governor and his advisers that it incensed the Tory party to such a degree that no name was too contemptuous for them to bestow on the Reform leaders and Reform party, one and all. Criminations and recriminations were the staple in the newspapers. Tories were called time-servers; the Reformers, disloyal. Odious epithets were bandied about with charming indifference. So serious had become the charges of disloyalty against Mr. Mackenzie and the whole Reform party, that Mr. Mackenzie decided to publish a series of letters, addressed to Sir John Colborne, in an endeavor to remove the stigma of disloyalty which the Tory party sought to fix on the

party of which he was a burning and a shining light. In one of his letters he wrote :

“The people of this Province neither desire to break up their ancient connection with Great Britain, nor are they anxious to become members of the North America Confederation ; all they want is a cheap, frugal and domestic Government to be exercised for their benefit, and controlled by their own fixed landmarks ; they seek a system by which to improve justice, protect property, establish domestic tranquillity, and afford a reasonable prospect that civil and religious liberty will be perpetuated and the happiness and safety of society effected.”

Mr. Mackenzie was right in his statement of the desires and ambitions of the people of the Province, that is, the majority of the people ; but was he right with regard to himself and that portion of the people who chose to follow his footsteps ? The sequel showed. It is certain that Sir John Colborne had lost confidence in Mr. Mackenzie. However loyal he professed to be at heart, his actions belied his words, at least so thought Sir John Colborne.

Withal, Mr. Mackenzie's agitation for reform was productive of a great deal of good, even at that time. It was mostly through his exertions that, after long delay, those who had suffered losses in the war of 1812 received compensation. Mr. Mackenzie, his followers and other Reformers, members of the House in the second session of the tenth Parliament, could point with pride to the work accomplished in that session ; that certainly they had done the people some service. Sir John Colborne must himself have been so impressed, for in closing the

session he said to the House: "Among the bills passed there are none which afford more general satisfaction than those which secure the long expected remuneration for war losses; the repair of roads; a convenient entrance to Burlington Bay; and the completion of the Welland Canal, a work as advantageous to the joint interests of the Province as it is particularly favorable to the agricultural and commercial prosperity of some of your finest districts."

The death of King George IV, in 1830, brought about a dissolution of Parliament. The Governor was thus rid, not only of Mr. Mackenzie, but of all the other members of the tenth Parliament, the majority of whom, if not direct followers of Mr. Mackenzie, were at least allied with him in political principles. A new election being held, the Reform majority suffered a defeat. Mr. Mackenzie secured his own election, but he was a head without a tail, his immediate followers, and other Reformers of not so advanced ideas, having met with a reverse at the polls.

The presence of Mr. Mackenzie in the House was obnoxious to the newly constituted majority, who seized upon a pretext for expelling him, and sent him back to the people. Mr. Mackenzie was, however, bent on securing a re-election, and was again triumphantly returned by his constituents of the county of York, and presented to the House for their unwilling reception amidst great demonstration of popular rejoicing. A second expulsion took place, and Mr. Mackenzie was again returned. This course of expulsion and re-election was repeated in all no less than five times. The bitterness of feeling that existed between opposing parties,

and the way of showing it, can hardly be appreciated at the present day, since balloting has taken the place of open voting. At public meetings it was not an unusual thing for free and independent electors to engage in hot encounters, resulting in broken heads and noses. At a meeting held in the town of York on March 23rd, 1832, turbulence rose to the dimensions of a riot. Mr. Mackenzie's printing office was for the second time robbed, a portion of the building destroyed, and some of his newspaper type scattered. The opponents of Mr. Mackenzie burned him in effigy. The disturbance became so serious as to induce the Governor to order a company of soldiers to be in readiness to act in case the civil authorities should prove that they were unable to put down rioting or prevent its renewal. This was the state of affairs in 1832, in the spring, when, in April of that year, Mr. Mackenzie, despairing of making any headway against the ruling powers in Upper Canada, proceeded to England with a largely signed petition complaining of grievances, to be laid at the foot of the Throne and before the Imperial Parliament.

The Asiatic cholera first visited York about the same time that Mr. Mackenzie left for England. Sir John Colborne (who was ever charitably disposed, as was Lady Colborne, his esteemed helpmate), Mr. Mackenzie being absent, free of the worry to which he had been subject owing to his ceaseless agitations, was now able to give assistance to a project formed for the relief of distress occasioned by the epidemic of cholera. Lady Colborne conceived the idea of a bazaar being held in the town of York, under her immediate patron-

age, for the purpose in view. She was seconded by the civil and military society of York, and the bazaar proved a great success, no less a sum than twelve hundred dollars being realized from the sale of articles contributed by Government House and the townspeople of York. In this way the Governor and those surrounding him showed their concern for the material welfare of the people. The strife of politics was, for a time at least, stayed for more noble deeds of charity and good work.

Mr. Mackenzie's absence in England did not prevent the House of Assembly treating him with but slight courtesy. Notwithstanding his reception in England by the prominent members of the Liberal party, and by Lord Goderich, the Colonial Secretary, with all the consideration he desired, and more than he expected, those whom he was pursuing, the Tory majority of the House, to throw discredit on him and his delegation to England, resorted to the old plan of expulsion, and again banished him from Parliament.

The Tory party, in adopting this course toward the champion of Liberal principles, took the very best means that could have been resorted to to give Mr. Mackenzie additional popularity and prominence. Obnoxious as he was to the official class, the people generally could not but admit his energy, his perseverance, and his courage in facing and overcoming difficulties. Even Tories did not approve of the violence that had been resorted to in invading his printing office, distributing his type, and throwing a part into the waters of the bay. Mr. Mackenzie returned from his English mission in August, 1832, to find himself no longer one of the people's representatives; this, however,

was not long to be, though he first succeeded to more humble capacity and more limited sphere. In the session of the House following his return, Mr. Jarvis, the Tory member for the Tory town of York, introduced to the House of Assembly a bill, which, on the close of the session on the 6th of March, became an Act, entitled, "An Act to extend the limits of the town of York, to erect the said town into a city, and to incorporate it under the name of the city of Toronto."

Mr. Jarvis little thought when obtaining a charter for the city, nor did the Governor, Sir John Colborne, when, nine days after the passing of the Act incorporating the city of Toronto, he issued a proclamation calling for the election of alderman and councilmen for the city, that Mr. Mackenzie would be elected for alderman, and, following that, elected Mayor of the new-born city. But such was the issue of events; the man who was a thorn in the Governor's side, and who was the political enemy of all those by whom the Governor was surrounded, was elected first Mayor of the capital of the Province.

As if to give force to the growing influence of Mr. Mackenzie, and the consequent unpopularity of the Government and official class, Mr. Mackenzie was, in October following his election to the chief magistracy of York, again elected a representative of the Second Riding of York in the House of Assembly. Not only had Mr. Mackenzie been elected to the House at the general elections held in October, but a majority of Reformers had succeeded in securing seats, thus bringing about that revolution in the composition of the House so eagerly sought for by Mr. Mackenzie, but so unacceptable to Sir John Colborne. The Governor well knew that

with Mr. Mackenzie in the House there must come either a revolution of Government or a revolution of the people.

Events were fast approaching the latter alternative. In the first session succeeding his election, the session of 1835, Mr. Mackenzie made to the House a report of the special committee, of which he was chairman, which went by the name of "Mackenzie's Seventh Report on Grievances." This report was practically an arraignment of the whole system of Colonial Government. Thus was Sir John Colborne at the head of a Government discredited by the Assembly, or at least by a committee of the Assembly of the Province over which he presided as chief executive officer.

Mr Mackenzie's report, on being submitted to Lord Goderich, the Colonial Secretary, was exhaustively examined by him and replied to in a despatch. To that part of it having reference to the Executive Government he said: "A very considerable part of the report is devoted to the statement and illustration of the fact that the Executive Government of Upper Canada is virtually irresponsible. Experience would seem to prove that the administration of public affairs in Upper Canada is by no means exempt from the control of a practical responsibility. To His Majesty and to Parliament the Government of Upper Canada is at all times most fully responsible for its official Acts. This responsibility is not merely nominal. It is the duty of the Lieutenant-Governor to vindicate to the King and Parliament every Act of his administration."

By "Parliament" in the despatch must be understood the Imperial Parliament.

Sir John Colborne, in his administration of the affairs of the Province, never over-stepped the bounds of the constitution under which the Province was governed.

In the year 1835, the last year of his administration, he had a hostile Assembly to contend with ; he had also to meet on the battle-field, as it were, the intractable Mackenzie, the greatest grievance-monger of his day, yet he always maintained a calm and dignified demeanor, which did not fail to command the respect of those who felt themselves bound to oppose his Government.

Sir John's term of office expired in the month of October, but he continued in office till the appointment of his successor. Before surrendering the Government, he was induced by the Executive Council to endow the forty-four rectories from the Clergy Reserve lands of the Province, an Act much condemned by the adversaries of the Government, but which was not only constitutional but was a duty imposed by an Act of the Imperial Parliament.

Sir John Colborne, on the expiry of his term in the autumn of 1835, remained in Toronto until after the House met in January, 1836, and until the arrival of his successor in that month. Leaving Toronto, he reached Montreal on March 1st, 1836, being warmly received at the various points he visited on his way down the country. He remained in Montreal until May 19th, when he proceeded to New York on the way to England. While in New York he received a despatch from Downing Street appointing him Commander-in-Chief of the two Provinces, with the local rank of Lieutenant-General. After visiting Washington and other cities of the United States, he returned to Montreal, arriving



there on June 30th, and immediately assumed command of the forces. He found the Republican party there very active, and the result was the breaking out of armed rebellion there in a little more than a year after his taking command. To suppress this rebellion was his immediate duty. The military operations in the Province of Lower Canada were under his immediate direction. The rebellion in Lower Canada was of formidable dimensions, and the extermination of it occupied some time. Organized attacks had to be made by the troops on positions fortified by the rebels at St. Charles and St. Denis, where serious engagements took place. The campaign conducted under the direction of Sir John Colborne was entirely successful, resulting in the speedy fall and flight of Papineau, the leader of the misguided French-Canadian Republicans. The details of the suppression of the rebellion are more strictly matter of history than of personal biography, and I therefore forbear wearying the reader with an account of these military movements conducted by Sir John.

After suppressing the rebellion in Lower Canada, and after the retirement of Lord Durham, Sir John Colborne remained as Administrator of Lower Canada, and acted as Governor from January to 23rd October, 1839, when he returned to England and was created Lord Seaton, receiving the Grand Cross of the Bath, of Hanover, and of St. Michael and St. George; he was also created a Privy Councillor, and granted a pension of £2,000 per year. In 1858 he was appointed a Lieutenant-General, as also Colonel of the Queen's Life Guards. After his connection with Canada, Lord Seaton held the high office of Governor of the Ionian

Islands, and subsequently Commander-in-Chief in Ireland, from which position he retired in 1860, when he was honored with promotion to the highest military rank in the gift of his Sovereign, that of Field-Marshal.

Lord Seaton was said to very much resemble the Duke of Wellington in appearance as well as in mind and disposition. The writer's recollection of the Governor was that he was tall and of commanding presence, a very typical soldier. He bore the marks of war in the form of an arm partially disabled from the wound that he received at Ciudad Rodrigo.

Sir John Colborne was a man of most estimable personal character. He lived as he died, a true Christian in the highest sense of the word. He lived to the good old age of eighty-five years, and died in the land of his birth in the year 1863. A monument has been erected to his memory on Mount Wise, at Plymouth, on which is the following inscription :

“JOHN COLBORNE, BARON SEATON,

BORN 1778, DIED 1863.

CANADA, IONIAN ISLANDS.

PENINSULA—WATERLOO.

IN MEMORY OF THE DISTINGUISHED CAREER

AND STAINLESS CHARACTER OF

FIELD-MARSHAL LORD SEATON, G.C.B., G.C.M.G., G.C.H.,

THIS MONUMENT IS ERECTED BY HIS FRIENDS

AND COMRADES.”





*J. P. Head*  
in

## CHAPTER XI.

### *SIR FRANCIS BOND HEAD, BARONET, LIEUTENANT-GOVERNOR.*

SIR FRANCIS BOND HEAD, the successor to Sir John Colborne as Lieutenant-Governor of Upper Canada, a son of James Roper Head of the Hermitage, Higham, Kent, was born in the year 1793. Sir Francis at an early age entered the military service in the Royal Engineers, in which he served with some distinction. He was present at Waterloo, and in the campaign under the Duke of Wellington on the Continent he bore a high character as a military engineer. While yet in the Royal Engineers, he received from a Mining Company a commission to explore the gold and silver mines of South America between Buenos Ayres and the Andes. He arrived in Buenos Ayres in 1825, and in a short time had completed the work to the great satisfaction of the company. In the performance of this service he rode on horseback six hundred miles, most of the time unaccompanied. Having gained a majority in the military service he, in the year 1828, retired on half-pay. He was subsequently appointed one of the Board of Poor Laws Commissioners, upon which service he was actively employed until November, 1835, when he

was unexpectedly and suddenly appointed Lieutenant-Governor of Upper Canada, receiving at the same time knighthood in the Hanoverian order.

In the year 1816, in the period between Waterloo and his exploring tour in South America, Sir Francis married a daughter of the Honorable Hugh Somerville, sister of the Sixteenth Lord Somerville.

Much speculation has been indulged in as to Sir Francis's appointment to the position of Lieutenant-Governor of Upper Canada. It has even been said by some that his appointment was a mistake, and that the Head really intended for the appointment was Edmund Walker Head, who was also a member of the Board of Poor Laws Commissioners, and who some years afterwards was Governor-General of the Canadas. It can hardly be supposed, however, that the Melbourne Ministry, in power at the time the appointment was made, would be so careless as to appoint one man when another was intended. The Melbourne was a weak and falling Ministry at the time, subject at any moment to be overturned by the Radical contingent in the Commons, and if such an error had been made as appointing the wrong man to a colonial governorship, the opportunity would have been seized upon for an attack on the Ministry by their Radical supporters, which the Ministry could ill afford; and if such a mistake had been made one would think it would have leaked out. Those who have suggested that the appointment was in mistake rest their case entirely on hearsay evidence, at all times unreliable, such as would be at once ruled out in a judicial investigation, and which, in this instance, only gains importance from the fact that Sir Francis

Head had no previous political experience, was not connected with any party or member of the Government, and, as said in his own narrative, had never even had the honor of seeing Lord Glenelg, the Colonial Minister, before the appointment was offered him. That Sir Francis's appointment was entirely unsolicited, and came upon him as a surprise, we have his own authority for saying. He says, "I had retired to rest in my lodgings at Cranbrook, and for several hours had been fast asleep, when, about midnight, I was suddenly awakened by the servant of the lodging, who, with a letter in one hand and in the other a tallow candle, illuminating an honest countenance, not altogether free of alarm, hurriedly informed me 'that a King's officer had come after me.' Sitting up in bed, I opened the letter, which, to my utter astonishment, was from the Secretary of State for the Colonies, expressing a wish that I should accept the Government of Upper Canada, and that, if possible, I would call upon him with my answer at half-past eight the following morning, as at nine he was to set out for Brighton to see the King. I waited on Lord Glenelg at his residence at the hour appointed (half-past eight), when I most respectfully and very gratefully declined the appointment. To this determination Lord Glenelg very obligingly replied by repeating to me his wish to be enabled to submit my name to the King for so important and difficult a trust; he begged me to reconsider the subject."

Sir Francis continues his narrative by saying that nothing could be more uncongenial to his habits, dispositions and opinions than the station that was offered him, but that finally, after conferring with Mr. Stephen,

Lord Glenelg's under-secretary, as had been requested by Lord Glenelg, he did not like to persist in refusing his humble services to the King's Government, after they had been twice required of him. Before the morning was over he consented to accept the office. Lord Glenelg was immediately advised of his acceptance, and his name was submitted to the King and approved by His Majesty.

The circumstances were singular, but not so singular as to establish even a presumption that the appointment was made in a mistake. How is it possible to believe that Sir Francis, before accepting the appointment, could have seen Lord Glenelg, conversed with and talked over the appointment with him, actually refusing it at first, and then, when urged to accept it after conferring with the under-secretary, accepting the office; and yet, during all this conference, it should not be discovered by the officials that not this man, Francis Bond Head, but quite another individual, his kinsman, Edmund Walker Head, who, it may be added, was well known to the officials and had written for the newspapers articles laudatory of the Whig Government of the day, was intended for this office. The late Mr. Kingsford, in his account of the matter, does not credit the story that Sir Francis Bond Head's appointment was a mistake, not, however, basing his conclusion on the fact of the interview with Lord Glenelg, but for other reasons. Discarding hearsay evidence, and relying on the known facts of the case, it is hardly possible to do the Melbourne Administration the injustice of believing that they were guilty of the absurdly theatrical blunder of filling so important an office as that of Governor of Upper Canada under a mistaken identity.



Whatever may have been the circumstances attending his appointment, however romantic, and whether he was the right man or not, the newly-appointed Governor accepted his office, sailed for Canada, and on the 23rd of January, 1836, arrived in Toronto the duly accredited Governor of the Province.

On his arrival he found that the session of Parliament had already been opened by Sir John Colborne, on the 14th of January, and that he had in the usual manner addressed the House on its opening.

Sir Francis Bond Head's name will long be remembered in Canada, the more especially as it fell to his unhappy lot to be Governor of the Upper Province at a time of great political excitement, fomented and encouraged by men, many of whom afterwards had cause to regret their connection with an agitation which ultimately terminated in rebellion.

When His Excellency entered his capital he found the walls of the houses decorated with posters, in large letters describing him as a "Tried Reformer." This seemed very odd to him, for, so far as he knew, he never had been a tried Reformer, Radical or Tory. In his Narrative he says: "As, however, I was no more connected with human politics than the horses that were drawing me, as I had never joined any political party, had never attended a political discussion, and had never even voted at an election or taken any part in one, it was with no little surprise that, as I drove into Toronto, I observed the walls placarded in large letters which designated me as

'SIR FRANCIS HEAD, a Tried Reformer.'

His first public act was to be sworn in as the Lieutenant-Governor, which ceremony took place on Monday, the 25th day of January, in the old Legislative Council Chamber, on Front Street. On January 27th he came down and addressed the Legislature. Promising them a message from himself which would inform them of the difficult and most important duties about to devolve upon him, as well as upon themselves, he said, "Moreover, as regards myself, I have nothing either to promise or profess, but I trust I shall not call in vain upon you to give me that loyal, constitutional, unbiased, and fearless assistance which your King expects and which the rising interests of your country require."

The words, "loyal" and "constitutional," coupled with the statement that he had "nothing either to promise or profess," seemed to the House, the majority of whose members were Reformers, to be ominous. What could the Governor mean? Had not Mr. Hume, the Radical leader in the English House of Commons, on December 5th, 1835, in a letter to William Lyon Mackenzie, congratulated him on the recall of Sir John Colborne, and on the appointment of Sir Francis Head to succeed him, and, as they thought, presaging an earnest listener to their complaints, that he had supplied him in advance with the first and seventh report of Mr. Mackenzie's Committee on Grievances? The seventh report of the Committee on Grievances had been liberally distributed throughout the country, and was practically an arraignment of the whole system of colonial government. It was, in fact, the Radicals' charter of rights. It demanded that the Legislative Council should be elective, and that the Executive Government should be responsible to the

House of Assembly, and not to the British Crown or Parliament. This advocacy of an elective council, proposed in the report on grievances, was a most radical change from the constitution as it then existed; and the executive responsibility demanded by Mr. Mackenzie and his followers was equally opposed to the existing colonial constitution. Under that constitution the responsibility of the Governor and his Council was to the British Ministry and Imperial Parliament, and not to the Canadian Parliament. Mr. Mackenzie knew that Sir Francis had the grievance reports given to him by Mr. Hume, and he also knew that Mr. Hume had written Sir Francis on the subject of the alleged grievances of the Upper Canadians. He also knew, for so Mr. Hume had informed him in his letter, that the Colonial Office had not acceded to the demands made in the grievance reports. One paragraph of his letter was: "My anxiety is that you and all reformers should receive Sir Francis in the best possible manner, and do everything consistent with principle to meet his views and wishes. We think that Sir Francis will do what is possible to conciliate and settle matters, and you must make allowance for the instructions he may have from Downing Street, where I do not think they have come to the resolution of doing to the colonists what they are doing or striving to do for the people of the United Kingdom."

The passage in the letter, "My anxiety is that you and all reformers should receive Sir Francis in the best possible manner," will account for the placard on the walls of the houses of Toronto, which no doubt emanated from Mr. Mackenzie's brain, and probably from his printing office.

The instructions that had been given by the Colonial Office, though promised in the Governor's address to the Upper Canada Parliament to be communicated to that body, were yet in the keeping of Sir Francis, though an inkling of what they might be was foreshadowed in Mr. Hume's letter to Mr. Mackenzie. Sir Francis well knew what those instructions were, and he also knew that in a despatch to him from Lord Glenelg, which accompanied the instructions, the Minister had distinctly disavowed the principle of the parliamentary responsibility of the Executive Council claimed in the report on grievances, and had also refused to yield to the demand made that the Legislative Council should be elective.

In respect to these two subjects the despatch said: "On these subjects I am to a considerable extent relieved from the necessity of any particular investigation, because claims precisely identical have been preferred by the Assembly of Lower Canada, and because in the instructions to the Commissioners of Inquiry, who have visited that Province, I have already had occasion to state the views which have received His Majesty's deliberate sanction. The principles of government in the two sister provinces must, I am well aware, be in every material respect the same. I shall therefore annex for your information, as an appendix to this despatch, so much of the instructions to the Earl of Gosford and his colleagues as applies to these topics."

The House of Assembly replied to His Excellency's speech on the 28th January, 1836, in an address in which the House avowed that it would "most respectfully and carefully consider any message from your Excellency, with whose administration we sincerely desire cordially to co-operate."

On the 30th January, His Excellency sent a message to the House, as he had promised, and informed it that he was commanded by His Majesty to communicate the substance of his instructions to both Houses of the Provincial Parliament, but considering that it would be more satisfactory to them to receive the whole, he accordingly transmitted a complete copy of the document.

Strictly speaking, Sir Francis erred in making public the whole of the instructions instead of informing the House of the substance, and it was in some sense unfortunate, as the appendix annexed to and accompanying the instructions, which may have been intended only as a guide to Sir Francis himself, contained an elaborate argument showing the reasons why the British Government itself, without the aid of the Imperial Parliament, could not alter the Canadian constitution to suit the aspirations of Mr. Mackenzie and his followers in respect of reforming the Legislative and Executive Councils.

Sir Francis's excuse for departing from the letter of his instructions was, as explained by him in his Narrative, that he "found the subjects so important, the remedies to be applied requiring so unavoidably the explanatory arguments upon which they had been prescribed, that I felt it was almost impossible for me to undertake correctly to translate them into words. I also considered that as unexpected difficulties had arisen lately in Lower Canada, and as the press was at that moment decrying the trembling Government of Great Britain, any concession proceeding from me might appear as if extorted by the threats of the moment; whereas, I felt that if my instructions were given to both Houses exactly as I

received them, their date would clearly show that they had no reference to the tumultuous proceedings of the day."

In another place he said: "I also remembered that in the draft of the instructions and appendix I was to give the copy of them to the Provincial Legislature, and that when the word 'substance' was substituted for the word 'copy,' your Lordship (Lord Glenelg) will remember it was explained to me in England that the alteration was merely made because it had been considered undignified that it should appear I was ordered to do so, your Lordship observing to me, 'But remember, the more you give them of it the better.'"

It may be remembered that Sir Francis had been authorized to make some minor concessions, but not in regard to the appointment and responsibilities of the Legislative and Executive Councils.

The House of Assembly was at once alarmed at the Governor's message containing these instructions, framed, as it was, in a peremptory spirit of non-surrender to what was deemed by the Reformers a most reasonable demand, and it resented the same accordingly.

The first step of the House was to challenge the right of the Governor to address them after the House had been formally opened and addressed by Sir John Colborne. They went so far as to institute an inquiry as to whether the Governor, by this unusual proceeding, had not committed a breach of privilege of the House. This first attempt, however, to attack the Governor failed, founded as it was on a most absurd contention, as a precedent was found for his proceedings.

The next attempt was in the ever-present trouble

about the appointment of legislative councillors. Sir Francis had appointed to the Council William Morris, the member for the county of Lanark. Mr. Morris was a pronounced Tory, and the Reform House, whose Speaker was Mr. Bidwell, and whose leader was Mr. Mackenzie, denounced the appointment as a violation of the principle for which they contended, namely, that the Governor should make appointments to the Council acceptable to the Assembly, as the majority of the House should recommend, and insisted that he should have appointed one of the political party now in the majority in the House.

Early in February an active member of the Executive Council brought to the Governor's notice the fact that the Executive Council, as then composed, had but three members, and that in case of illness of one a quorum could not be obtained, and that it was advisable to fill the vacancies in that body. Sir Francis concurred with this suggestion, but this at once again raised the question, should he select the new councillors from the Tory or Reform party? These latter, in his correspondence with the Colonial Secretary, he called the Republican party, considering that they were more worthy of that name than that of reformers, to which they claimed title. That there were persons in that party, and several members of the House of Assembly strongly imbued with American Republicanism there is no doubt, but that the whole Reform party should have been charged by the Governor with being Republicans was a mistake. The advanced Liberals, such as Mr. Bidwell, the Speaker, Mr. Mackenzie, the agitator, Dr. Rolph, the silver-tongued orator, and some others, might be classed

as Republicans, it is true, but it may be said of the Reform party as a whole that they were both somewhat anti-Republican and intensely anti-Tory. Mr. Baldwin was as much opposed to Republicanism as was the full-bred Tory. Sir Francis's story in regard to these new appointments of three members to the Executive Council, as told by himself, is as follows:

"I did not choose to join the Republicans; the Tories, who, fearing that I was their enemy, had thought proper to join in petitioning the King against the very first Act of my administration, were still almost in a body standing aloof from me. I did not, therefore, feel it right to advance towards them; and being thus obliged to be independent, I determined that the addition to my Council should be made from the middle party, instead of from either of the two extremes."

Sir Francis was really desirous of conforming to the wish of the people as then represented in the House of Assembly, as well as the wishes of the Whig Ministry of Britain, who had appointed him, and to pursue a Liberal policy; but he could not forget his instructions to stand by the Constitution as it then existed, and properly enough could not be coaxed or driven to pursue what would really have been a revolutionary policy.

The three members ultimately selected by Sir Francis were Robert Baldwin, Dr. Rolph, and Mr. Dunn. Robert Baldwin was the first to be selected, on account of the high estimation in which he was held, not only by the Liberal party, but by his political opponents, and to him was given *carte blanche* to name the other two.

He does not seem to have trusted Mr. Mackenzie, but in selecting Dr. Rolph he had perhaps unwittingly



chosen as associate a man who was more disposed to follow Mr. Mackenzie than his nominator. Mr. Dunn was a pronounced neutral, who occupied a position between Mr. Baldwin and Mr. Mackenzie, but was trusted by the Reform party.

Mr. Baldwin and the others were at first unwilling to accept the appointment to the Council unless the Governor dismissed the other three members of the Council. This His Excellency refused to do, and so informed Mr. Baldwin; on reconsideration, he and Dr. Rolph and Mr. Dunn accepted the office, and became Executive Councillors. Before these gentlemen took their seats in the Council, the Governor wrote Mr. Baldwin the following letter:

“Government House, Feb. 19th, 1836.

“DEAR SIR,—I have great pleasure in learning that you, Dr. Rolph, and Mr. Dunn accept the invitation I made to you by joining the Executive Council. The confidence I shall repose in you shall be implicit; and as I have no preliminary conditions to accede to or require from you, I shall rely on your giving me your unbiased opinion on all subjects respecting which I may feel it advisable to require it.”

The appointment of Mr. Rolph, Mr. Dunn, and Mr. Baldwin to the Council gave great satisfaction to Mr. Bidwell and to the Reform majority in the House. At the same time these gentlemen, with the exception perhaps of Dr. Rolph, who was altogether too democratic, were not obnoxious to the Tory party in the House, and the Governor believed that in making these appointments he had, for a time at least, cleared the

atmosphere of political hostility, and would have some rest. But the position was, in fact, in no sense improved, as he soon learned when his newly-constituted Executive Council, a few days after their appointment, demanded that he should consider the Council as responsible to the people and not solely to himself. To this demand, which reopened the whole question, and was what was demanded by the Reformers, the Governor could not accede, and the Executive Council in a body resigned. The House of Assembly espoused the cause of the Council, and in an address which they made to His Excellency on March 14th, 1836, said :

“ Considering the appointment of a responsible Executive Council, to advise your Excellency on the affairs of the Province, to be one of the most happy and wise features in the constitution, and essential to the form of our Government, and one of the strongest securities for a just and equitable administration, and eminently calculated to secure the full enjoyment of our civil and religious rights, we have lately learned, with no small degree of anxiety, that the Executive Council, so lately formed for the purpose above stated (as we presume), consisting of six members, did on Saturday, the 12th instant, unanimously tender to you their resignations, and that your Excellency was pleased to accept the same, and humbly request your Excellency to inform this House, without delay, whether such are the facts, and also to communicate to this House full information relative to the cause of disagreement between your Excellency and your late Council, so far as lies in your Excellency’s power to make known, as also to furnish this House with copies of all communications between your Excel-

lency and your said late Council, or any of them, on the subject of said disagreement and subsequent tender of resignation."

To this address the Governor made reply, and said :

"Had they (the Council) chosen to have verbally submitted to me in Council that the responsibility, and consequently the power and patronage of the Lieutenant-Governor, ought henceforth to be transferred from him to them ; had they even, in the usual form of a written petition, recommended to my attention as a new theory that the Council, instead of the Governor, was to be responsible to the people, I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it ; but when they simultaneously declared, not that such ought not to be, but that such actually was the law of the land, and concluded their statement by praying that a Council sworn in secrecy to assist me might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty, calmly and with due courtesy, to inform them that they could not retain such principles together with my confidence, and to this opinion I continue steadfastly to adhere.

"With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve their privilege inviolate than by proving to them that I am equally determined to maintain the rights and prerogatives of the Crown, one of the most prominent of which is that which I have just assumed, of naming those councillors, and in whom I believe I can conscientiously confide."

The Governor, on the resignation of his Council, immediately appointed in their places Robert Baldwin Sullivan, John Elmsley, Augustus Baldwin, and William Allan, Esquires, which called forth an address from the House of Assembly on the 25th of March, in which the House declared that it "felt it to be a duty that it owed alike to His Most Gracious Majesty and the people of this colony, whose representatives they are, to avail themselves of the first opportunity to declare at once to your Excellency the entire want of confidence in this House in the last-mentioned appointments, and deeply regret that your Excellency consented to accept the tender of resignation of the late Council, and humbly request your Excellency to take immediate steps to remove the present Council from their situations."

This dictatorial address from a Reform Parliament to that Governor who, on his entry into the capital of the Province, had been saluted as a "Tried Reformer," was no surprise to the Governor, who had been preparing for a fall with a House which, in the Governor's view, was endeavoring to usurp the prerogative of the Crown.

Here, then, was a direct issue raised as to whom the Executive Council was responsible, to the Governor or to the House of Assembly. There is no doubt that it would have been well had the Executive Council been responsible to the House, but this was not so under the then subsisting Constitutional Act, and Sir Francis Head was right in asserting his prerogative according to law. The Reformers, by claiming more than they were entitled to, enabled the Governor to invoke the law and constitution as the justification for his resisting the pretensions of the House, and to throw himself on the people.

The time, however, had not actually arrived for the Governor to clear the House and appeal to their masters, the electors of the Province, and he decided to wait and see what would be their next step. He had but a short time to wait, as the House shortly undertook to stay the wheels of Government by stopping the supplies. On the 15th of April the Assembly passed an address to the British House of Commons recounting the events which had recently occurred, accused the Governor of arbitrary and vindictive conduct, spoke of his view of his own sole responsibility to Downing Street, and concluded :

“ Being denied the beneficial and constitutional operation of our local institutions for the management of our local affairs ; being threatened with the exercise of the unadvised, arbitrary government of His Excellency, virtually irresponsible ; and being satisfied that nothing but an open, entire and honorable abandonment of this policy, equally unconstitutional and pernicious, will ever restore our peace, welfare and good government ; we have in justice to the people, whose civil and religious interests we are solemnly bound fearlessly to vindicate, been obliged as a last resort to stop (most reluctantly) the supplies, and for the attainment of redress in these and other matters contained in the annexed report, we pray the aid of your Honorable House.”

The differences between the Provincial House and the Governor had now become so acute that His Excellency determined to prorogue the House and take the opinion of the electors of the Province. In addressing the two Houses at the close of the session, Sir Francis recapitulated the events of the session, referred to the Mackenzie “ Report on Grievances ;” to his desire to remedy

grievances that lay in his power to reform, complained of the little assistance he had had from the House in that direction, and entered into an explanation of the differences with his Council. Specially directing his remarks to the members of the Assembly and to their stoppage of supplies, he said: "In the history of Upper Canada this measure has, I believe, never been resorted to; and as I was the bearer of His Majesty's special instructions to examine and, wherever necessary, to correct the 'grievances' declared in your report of last session, I own I did not expect to receive this embarrassment from your House." In conclusion, addressing the members of both Houses, he said:

"Having now concluded an outline of the principal events which have occurred during the present session, I confess that I feel disappointed in having totally failed in the beneficial object of my mission. I had made up my mind to stand against the enemies of reform, but I have unexpectedly been disconcerted by its professed friends.

"No liberal mind can deny that I have been unnecessarily embarrassed, no one can deny that I have been unjustly accused, no one can deny that I have evinced an anxiety to remedy all grievances, that I have protected the constitution of the Province, and that by refusing to surrender at discretion the patronage of the Crown to irresponsible individuals, I have conferred a service on the backwoodsman, and on every noble-minded Englishman, Irishman, Scotchman, and U. E. Loyalist, who I well know prefer British freedom and the British Sovereign to the family domination of an irresponsible Cabinet."

There was much more in the address designed to arouse the loyalty of the Province and the ire of the inhabitants against those who, like Mr. Mackenzie and his followers, were trying to over-ride the constitution, and then, as a climax, the Governor said :

“ Whenever they (the people) shall be disposed to join heart and hand with me in loyally promoting the peace and prosperity of the Province, they shall find me faithfully devoted to their service ; in the meanwhile I will carefully guard the constitution of the country, and they may firmly rely that I will put down promptly, as I have already done, the slightest attempt to invade it.”

This address of the Governor in proroguing the House was designated by the Reformers an electioneering address. There was this in it certainly—it showed that the Governor had made up his mind to take a decided stand against the Reformers on the questions which had been raised between himself and the House as to the responsibility of the Governor and of the Executive Council, of the mode of appointment to the Legislative Council, and the patronage of the Crown.

On the 28th of May Sir Francis dissolved the House, and immediately announced a general election to be held on the 20th of June.

There is no doubt Sir Francis considered that the existence of Upper Canada as a part of the British Empire was at stake.

In a despatch to Lord Glenelg, sent from Toronto, written on the day of the dissolution of the Provincial Parliament, and advising the Colonial Secretary of the fact of dissolution, he said : “ Of course, a most violent contest will take place, and I need hardly observe that

it is one upon which our possession of the Canadas may almost be said to depend."

The Governor took such means as he thought necessary to inspire the people to uphold the constitution, such as it existed at the time. In answering addresses from the country districts he did not hesitate to impress upon the people the advantages to be gained by not severing from allegiance to the British Government. Dr. Duncombe, who had been a prominent member of the last House, complained that the Governor had exercised undue influence in behalf of the Tories in the election. The complaint was not well founded. It was investigated both by a committee of the Canadian House and by the British House of Commons, on the petition of Dr. Duncombe. On the 17th of April, 1837, Lord Glenelg wrote a despatch to Sir Francis, apprising him of his acquittal of the charge in the following words:

"The refutation of Dr. Duncombe's charges is entirely satisfactory. It has been in the highest degree gratifying to me to be able to report to His Majesty that after a minute and vigorous inquiry, during which every facility was given to the petitioner to substantiate his accusation, your conduct in reference to the elections has been proved to have been governed by a strict adherence to the principles of the Constitution."

The general election of 1836 proceeded amidst great excitement and turbulence, resulting in the downfall of the Reformers, to the great satisfaction of the Governor and those who had rallied to his support. In a despatch to Lord Glenelg, under date of 8th July, Sir Francis said:



“The elections commenced on the 20th of June, and the struggle, as might be expected, was a desperate one. I am happy to inform your Lordship that the result has been successful, and that truth and justice have as usual prevailed. In the late House of Assembly the Reformers had a majority of eleven. In the present House of Assembly the Constitutionals have a majority of twenty-five (there being now forty-five Constitutional members and seventeen Republicans). In the late House there were thirteen American members; in the present House there are only seven, one of whom is a Constitutionalist.

“Among the Republicans who have lost their elections are the following names:

“1. The Speaker, Bidwell, the twin or Siamese companion of Mr. Speaker Papineau.

“2. Mr. Peter Perry, the most powerful as well as the leading speaker of the Republicans; the chairman to whom was referred my correspondence with my Executive Council.

“3. Mr. W. L. Mackenzie, the chairman of the grievance report and arch-agitator of this Province.”

Further on in this despatch the Governor, referring to a letter of Mr. Papineau to Mr. Speaker Bidwell, in which it was said “that the people of the Canadas, laboring under the accumulative wrongs proceeding from an Act of Parliament, unite as one man in reference to interference in Provincial affairs by foreigners (Americans),” said: “The people of Upper Canada detest democracy; they revere their constitutional charter, and are consequently staunch in their allegiance to their King. They are perfectly aware that there

exists in the Lower Province one or two individuals who inculcate the idea that this Province is about to be disturbed by the interference of foreigners, whose power and whose numbers will prove invincible. In the name of every regiment of militia in Upper Canada, I publicly promulgate, 'Let them come if they dare.'

The outcome of the elections, and of the defeat of the Reform majority in the last Parliament, was the dismissal of several prominent officials who had not only opposed the policy of the Governor, but had used language towards him which his self-respect required him to notice in the most open manner. This, of course, raised a storm of indignation on the part of friends of the dismissed officials, and appeals were made to the British Ministry. Dr. Duncombe, a prominent member of the last Parliament, was sent to England in the interests of the Reform party, or what remained of it after the shattering it got at the general election, to prosecute the charges against the Governor for his alleged undue influence exercised during the elections. In a despatch to the Colonial Secretary, under date 16th July, Sir Francis protested against the practice of agents being sent from Canada "to make secret complaints against the Governor which, of course, it is impossible for him to repel." He said further: "I will, therefore, merely assure your Lordship that in the elections, as well as in the prompt dismissal of a few of the ringleaders of the Republicans, I have acted cautiously and conscientiously."

It was the practice of His Excellency to communicate to the British ministry his every official act, so as to give an opportunity for approval or disapproval of his policy. Had it not been that the Melbourne Ministry

was weak, and entirely at the mercy of their Radical supporters, the friends and allies of the Reform party of Upper Canada, they might have honored the Lieutenant-Governor with some kind of acknowledgment for the course he had pursued in administering the affairs of the Province during his early period of storm. This, however, they did not do till, emboldened by the Governor's success in the elections, they were afforded an opportunity to congratulate him on the result, and the loyal support given him by the constituencies. His Excellency was more than gratified, in the month of November, 1836, to receive from the Colonial Secretary despatches acknowledging fully his services, and notifying him of his elevation to a baronetcy from 19th July, 1836. On the 7th of November the Governor replied, saying, "The flattering manner in which your Lordship has been pleased to convey to me the King's gracious approbation of my conduct, has afforded me the first happy moment I have enjoyed since my arrival in this Province."

Notwithstanding the King's approbation of the Governor's conduct, the Colonial Secretary was constantly plied by irresponsible agents from Canada, and was periodically forwarding intimation to the Governor that these parties were making complaints to the authorities of his conduct in his administration of the affairs of Upper Canada. These agents would pour into the weak and willing ears of the British Ministry stories of the Governor's indifference to the sentiments of the people of Upper Canada; the truth being that the Governor gave every encouragement to the loyal people of the Province, but could not be led by agitators to depart

one iota from the plain requirements of the constitution.

Sir Francis, in his communication of the 5th November to the Colonial Secretary, gave him to understand that he had suffered both politically and mentally by the neglect of the Colonial Secretary's Office, and that owing to this neglect, wrong impressions of his conduct were conveyed to the Canadian people. He said: "Up to the receipt of your Lordship's despatch (No. 95) I have suffered from the treatment I have received from His Majesty's Government more pain than it would be possible to describe." He then complains that he had communicated to the British Government, on the 29th of February, that almost every member in the House of Assembly, with a majority of the Legislative Council, recommended to the Colonial Secretary that a certain individual should be appointed to the important station of Surveyor-General of the Province, over-ruling the appointment made by the Governor, and says that his communication must have been received by the end of April, "and, though my arguments and reasonings appeared to you satisfactory, and though eventually you approved of my conduct, yet it was not until the 27th of September that I was relieved from the painful belief which generally existed here, that the measures I had taken were discountenanced by His Majesty's Government."

What more decisive proof can be given than this case to show that the British Ministry did not regard the Governor as amenable in any way to either the Legislative Council or Legislative Assembly, but that he was responsible solely for his actions to the British Govern-

ment; and yet, because Sir Francis upheld this policy, he was denounced by the Radical element of England and Canada.

Sir Francis, in the communication of November 5th, referred to his having sent to the Colonial Office addresses of support he had received from 28,000 yeomen, farmers, etc., of the Province, which, as he said, had never received the slightest acknowledgment of His Majesty's Government addressed to those who thus generously came forward to support him.

"Whenever a mail arrived, I was asked with the greatest anxiety what remarks the British Government had made to these noble addresses. The mortifying answers I had to give were, 'None.'"

The same neglect attended his speech, delivered at the close of the session, which really was a most important state document. This had also been sent to the Colonial Office, and had received no acknowledgment. This neglect of the Colonial Office gave color to the statement that Sir Francis was not acting in accordance with the policy of His Majesty's Government, and that he would be recalled, a removal most devoutly prayed for by all the malcontents in the Province.

Other instances were cited by Sir Francis where he had been misunderstood or misrepresented, which, he said, produced in the Canadas and in England "the mischievous political effect of causing everybody to believe that I was discountenanced by His Majesty's Government, to whose interests, honor, and policy I have never been faithless for a moment."

The excitement caused by the elections having somewhat subsided, Sir Francis called the legislators to meet

on November 8th, and they assembled in obedience to his summons.

In opening the House, he first congratulated Parliament on the loyal feeling which pervaded the Province, and on the stillness and serenity of the public mind, so that the tranquillity of the country gave him the opportunity to recommend to the Legislature measures for the advancement of the Province, and enumerating as much as a dozen subjects of a practical character for their consideration, and concluded as follows :

“The Legislature of Upper Canada is not imbued with power to alter the constitution imparted to it by an Act of the Imperial Parliament. I therefore, shortly after my arrival here, publicly declared that if the inhabitants of the whole Province were simultaneously to petition me to alter a single letter of that solemn Act, I had neither power nor inclination to do so.

“Grateful for the manly support which the expression of these sentiments procured for me, I feel it my duty again to unequivocally assure you of my determination to carry into effect His Majesty’s instructions, and thus to maintain the happy constitution of this Province inviolate.”

The whole tone of the address showed the Governor’s extreme pleasure at being able to publish to the world, and more especially to the English people, that on a direct appeal to the people of Upper Canada on the differences between him and the Reform party, his position on the constitutional questions had been sustained. The people’s verdict was a rebuke to those members of the British Parliament who had been carried away by the accusations of the dissatisfied faction of the Province,

and who had dinned into the ears of the British Ministry the charge that their Governor was arbitrary and his policy unpopular with the people whom he had been sent to govern.

The loyalty of the members of the House to the Governor was shown by their going vigorously to work and, in a session lasting nearly four months, passing no less than one hundred and eighteen Acts of Parliament, all directed to the well-being and good government of the country. The session was not prorogued till the 4th of March, 1837.

The year 1837 was a year of great financial disturbance throughout the whole of North America. The beginning of the year in the United States was one of its periodic times of inflation. The banks discounted liberally, and the merchants, the farmers, and even the citizens, were, as they believed, reaching the time when they would all roll in wealth. The very appearance of their commercial prosperity and of their easy financial credit operated on the Canadians as would strong liquor on a weak head—it made them wild—and there arose the clamor of the demagogue that the condition of Canada would be much improved if it were a part of the United States.

The condition of things in Upper Canada in the spring of the year was just the reverse of what it was in the United States. Sir Francis, in a despatch to Lord Glenelg, under date of the 12th of July, contrasted the two countries. He said: "In short, the country (United States) was triumphantly declared to be going ahead, and as the young Province of Upper Canada was observed to be unable to keep up, the difference in its

progress was contemptuously ascribed to the difference in the form of Government.

“Monarchical institutions were therefore ridiculed, Republican principles were self-praised, and democratic opinions were not only disseminated over this Province, but crossing the Atlantic they made their appearance in our own happy country, where it has lately been deemed by many people fine and fashionable to point to the United States of America as a proof that riveting religion to the state and that nobility of mind are to commerce what friction is in mechanics.”

Suddenly there came a collapse in the United States, and that country's commercial system fell to pieces. Specie payment by the banks was stopped, and there was general consternation and wide-spread ruin.

A general disturbance of trade and commerce in the United States always affects Canada more or less. In this case it did so to an alarming extent, and something had to be done by the Government to mitigate the evil. Sir Francis called Parliament together for the 19th day of June for a summer session, an unusual proceeding, but in this case necessary. The session was a short one, only lasting to the 11th day of July, but in that period the legislators took the necessary steps to prevent a collapse in Upper Canada, by passing “an Act to authorize the chartered banks in the Province to suspend the redemption of their notes in specie, under certain regulations, for a limited time.”

Thus was a commercial crisis staved off, only to be followed by a political crisis of a more serious nature, which was even then in the chrysalis state.

With his active mind always watching the political



barometer, Sir Francis found time, not only to apprise the British Ministry of the acts of his administration and of the Legislature, but to forcibly express his opinion that the Home Government had made too many concessions to the Lower Canadians, which had resulted in anarchy, while by the exercise of a firm and "no surrender" policy in Upper Canada he had produced a different result. In a despatch to the Colonial Secretary, under date of the 29th of August, he said :

"The conciliations which Lord Gosford has been commanded to make in Lower Canada, as well as those almost promised by inference in his last speech, have ended in anarchy.

"In Upper Canada, the opposite or negative process, I mean the unconciliatory course of policy, has, it cannot be denied, practically tranquilized the Province. It has not only completely overthrown the enemies of the British constitution, but in a very great degree has effected their conversion." He then drew Lord Glenelg's attention to his despatch of February 5th, 1836, in which he had written : "As far as I have been able to judge, I should say that the Republican party are implacable, that no concession whatever will satisfy them, their sole interested object being to possess themselves of the Government."

On the 10th of September, 1837, the Governor wrote a despatch to the Colonial Secretary in which he reiterated his objections to a conciliatory policy. One of the acts of the Colonial Office in that direction was a command to the Governor to appoint to the Judicial Bench Mr. Bidwell, who had been Speaker of the House of Assembly in the last Parliament, but with Mr.

Mackenzie and other Reformers had been defeated in the general election. Sir Francis, in the despatch of the 10th September, apprised the Colonial Secretary that, after very deliberate consideration, he had determined to take upon himself the very serious responsibility of positively refusing to appoint Mr. Bidwell to a judicial office, and gave as reasons for his refusal that Mr. Bidwell was a Republican at heart and in principle, that his talents have been unceasingly exerted in endeavoring, by subverting the constitution, to dethrone our Sovereign from this portion of his dominions; he had been the untired advocate of Republican government and by his ability and by his eloquence he rose to become the leader of the Republican party, and eventually became Speaker of the House of Assembly. "In his capacity as Speaker, he delivered to me to be transmitted to the King one of the most insulting addresses that ever has been offered to a British Sovereign. It declared that I was despotic, tyrannical, unjust, deceitful, that my conduct had been derogatory to the honor of the King, demoralizing to the community, and that I had treated the people of this Province as being little better than a country of rogues and fools. Not satisfied with this, Mr. Bidwell, on the last night of the session, presented to the House of Assembly a traitorous communication addressed to him from his fellow-laborer and colleague, Mr. Speaker Papineau. This letter impeached the King's Ministers, accused your Lordship (Lord Glenelg) of arrogance, termed the Royal Commissioners of the King 'deceitful agents,' and was altogether of a purely rebellious character."

Sir Francis, in adopting the course he did, in opposi-

tion to the Colonial Office, had become convinced that the prompters of the Colonial Minister were Mr. Roebuck and Mr. Hume, the leaders of the Radical wing of the House of Commons, and that the Colonial Minister was hardly a free agent. The Governor always entertained great respect for Lord Glenelg, but none whatever for his instigators in the policy they drove him to pursue in respect to the colonies. In declining to appoint Mr. Bidwell to the Bench, and to make other appointments which his judgment told him would be distasteful to the loyal people of the Province who had sustained him, he said :

“ With the deepest regret I have at last been driven deliberately to refuse to carry into effect your Lordship’s instructions, and having done so, and having avowed opinions hostile to the colonial policy, but which I can assure your Lordship are accompanied with no angry feelings to any man, I feel it a duty which I owe to your Lordship, as well as to myself, respectfully to request that your Lordship will be pleased immediately to tender to His Majesty my resignation of the station which I have the honor to hold.”

It was no unusual thing for Sir Francis to tender his resignation ; twice during the first six months of his administration he had done so, and would willingly at any time have resigned his position if the British Ministry would have accepted it.

Even now the Colonial Minister did not at once accept the Governor’s resignation, and abstained from laying it before the Queen. After consulting his colleagues, however, he, on the 24th of November, wrote a despatch to the Governor accepting his resignation.

In this despatch he did not make it a ground of acceptance of resignation that Sir Francis had disobeyed instructions as to the appointment to the Bench, nor indeed on any other ground of difference with the Colonial Office, unless it was his refusal to restore Mr. George Ridout to the offices of Colonel of Militia, Judge of the District Court of Niagara, and Justice of the Peace, from which offices he had been dismissed for political reasons satisfactory to the Governor and his Council. Even as to this dismissal Lord Glenelg's complaint was, not that there may not have been sufficient reasons for the dismissal, but that Mr. Ridout had been too summarily dismissed, and not furnished with the charges made against him.

Lord Glenelg, in his despatch, accepted the resignation of Sir Francis, and left him to administer the Government till his successor was appointed, and expressly stated that Sir Francis had administered affairs with advantage to the public service. The concluding paragraph of the despatch was :

"In conformity with your request your successor will proceed to Upper Canada with the least possible delay. In the meantime I rely on your devoting the short period of your future administration of the affairs of Upper Canada to the protection and advancement of those important interests which, during the last two years, have been intrusted to your guidance with so much advantage to the public service."

This despatch is important as indicating that up to the very eve of the rebellion, which broke out in less than three weeks from the time it was written, the British Government was satisfied with the Governor's

general administration of the affairs of the Province, however much he and the Colonial Secretary may have differed on some matters of no special importance.

The seeds of rebellion planted by Mr. Mackenzie had by this time all but matured. Meetings of a revolutionary character were being held, old guns were being repaired, old sword blades reburnished, and with pikes, with which to strike terror into the hearts of the Tories, and if need be, wipe them out of existence, were being got ready for action. Sir Francis, in obedience to the call of Sir John Colborne, the Commander-in-Chief, had sent every regular soldier of the garrison of Toronto to the Province of Lower Canada, where they were needed to suppress the rebellion already beginning in that Province.

Many Tories blamed Sir Francis for letting the troops go, but for this he had two excuses—one of which was a complete justification, the order of the Commander-in-Chief, which could not be disobeyed; and the other that he had confidence in the loyalty of the better-disposed class of the people and their ability to stamp out the rebellion, the moment any overt action was taken, without the aid of regular troops. Nor was that confidence misplaced. The rebellion took form when Mr. Mackenzie's followers, on Monday afternoon, the 4th December, assembled at Montgomery's tavern, on Yonge Street, about four miles from Toronto, preparatory to an advance upon the city.

At midnight the Upper Canada College bell was rung to warn the people of Toronto of their danger. The Governor was aroused, and proceeded to the City Hall, where arms had been stored for an emergency. These

he had unpacked, and, surrounded by a few faithful followers, prepared to receive the rebels. If they had advanced at once they could have taken the city. By Tuesday morning there were mustered at the City Hall about three hundred men, ready to meet the superior force of rebels if they had advanced. Two hundred more were added during the day, so that by nightfall the force in the city was able to muster as large a body of armed men as the rebels.

On the night of Tuesday an advanced picket on the outskirts of the town, commanded by Sheriff Jarvis, was attacked by the rebels, who were driven back, one of their party being killed and several wounded. On Wednesday morning efforts were made to negotiate a peace between the rebels and the citizen soldiers who were prepared to meet them in the event of their making an attack. By Thursday the militia and volunteers of the city, with the "men of Gore," who had by that time come from Hamilton to the rescue, were strong enough to make an attack, and at noon a force, under the command of the Adjutant-General, Colonel FitzGibbon, as related in Sir Francis Head's despatch to Lord Glenelg of the 19th December, "marched out of the town, with an enthusiasm which it would be impossible to describe, and in about an hour we (Sir Francis was at the head) came in sight of the rebels, who occupied an elevated position near Gallow's Hill, in front of Montgomery's tavern, which had long been the rendezvous of Mackenzie's men. They were principally armed with rifles, and for a short time, favored by buildings, they endeavored to maintain their ground. However, the brave and loyal militia of Upper Canada

steadily advancing with a determination which was irresistible, drove them from their position, completely routed Mr. Mackenzie, who, in a state of the greatest agitation, ran away, and in a few minutes Montgomery's tavern, which was first entered by Mr. Justice Jones, was burnt to the ground."

The defeat of the rebels at Montgomery's put an end to the rebellion, so far as the district about Toronto was concerned. Mackenzie sought an asylum in the United States. On the 11th December a public meeting was held in Buffalo, inviting assistance for the promotion of the rebellion in Canada. The meeting adjourned with cheers for Messrs. Mackenzie, Papineau and Rolph. On the following day another meeting, at which Mackenzie was present, was held. At this meeting American sympathizers offered their services to aid and assist the disaffected in Canada to conquer the country. Mackenzie, encouraged by these demonstrations, and by another meeting which had been held in Rochester, resolved to make a descent on Canadian territory, and took possession of Navy Island, a large island about two miles above Niagara Falls, on the Canadian side of the boundary, just above Chippawa. Here Mackenzie made his headquarters, established a Provisional Government, and appointed Van Rensselaer, an American general, his commander-in-chief of an army composed of Canadian refugees and American recruits, bent on pillage and the conquest of Canada.

On the 13th December, Mackenzie issued a revolutionary proclamation, which stated that he had procured the important aid of General Van Rensselaer, of Albany, of Col. Sutherland, Col. Van Egmond, and other military

men of experience, and that the citizens of Buffalo "to their eternal honor, have proved to us the enduring principles of the Revolution of 1776, by supplying us with provisions, money, arms, ammunition, artillery, and volunteers, and vast numbers are flocking to the standard, under which, Heaven willing, emancipation will be speedily won for a new and gallant nation, hitherto held in Egyptian thralldom by the aristocracy of England."

Mr. Mackenzie was an able composer of proclamations, and, if papers were the only weapons at call, he would have been a redoubtable enemy. The proclamation, as a whole, was rhodomontade, only equalled by General Hull's proclamation when he undertook to take Canada during the war of 1812.

Mr. Mackenzie might have spared the unhappy Canadians and Sir Francis Head, even if he had become the head of a new republic, set up on Canadian soil by grace and favor of citizens of a foreign land. Here is the concluding paragraph of his proclamation :

"Compare the great and flourishing United States with our divided and distracted land, and think what we also might have been, as brave, independent lords of the soil. Leave, then, Sir Francis Bond Head's defence to the miserable serfs dependent on his bounty, and to the last hour of your lives the proud remembrance will be yours — 'We also were among the deliverers of our country.'"

Mr. Mackenzie was, at the time he wrote this proclamation, burning under a sense of humiliation at his defeat at "Gallow's Hill," and could not forgive Sir Francis Head for the part he had taken in bringing it about. Afterwards he had reason to alter his opinions on the subject of government, and was bold enough to avow his change of heart in the most public manner.



On December 28th, Sir Francis, in a despatch to the Colonial Secretary, wrote "that an unprovoked attack had been made on Canadian territory by American citizens, who have succeeded in taking possession of Navy Island," etc., etc, and in another despatch, of the 16th January, 1838, he was enabled to say "that the pirates have been driven from Navy Island, which is now in possession of Her Majesty's forces on this frontier (Niagara)."

The events connected with the Navy Island affair, the capture and burning of the steamer *Caroline*, and all subsequent events connected with the invasion of the Province by American citizens, by Sir Francis called "pirates," and the results that followed, are matters of history. Sir Francis protested most vigorously to the United States authorities against the breach of neutrality in American citizens, with arms in their hands, invading a province of the British Empire with which the United States was at peace.

Notwithstanding the acceptance of Sir Francis's resignation of his office of Lieutenant-Governor, in November, 1837, he continued to administer the affairs of the Province till the 23rd March, 1838, when he left Toronto for England. On leaving Toronto, a concourse of citizens met to bid him farewell—a farewell which he never forgot. The leave-taking is best described in his own words in "The Emigrant," a book written by him and published in New York in 1847 :

"Leaving Government House, I rode towards the vessel, around which I found assembled a very large and, by me, unexpected concourse of the militia and others of various classes to whom I had been equally indebted.

“Without detaining them a moment, I dismounted and stepped on board, and as the vessel, uncasting the hawser which had detained it, instantly left the ice, it received from them the ordinary salutations, when, all of a sudden, there burst from everybody present a shriek of exclamation, rather than a cheer, which, I am sure, neither they nor I shall forget, caused by the only mode I had of acknowledging the compliment they had bestowed on us, namely, by taking off my hat and then, for a few minutes, silently pointing to the British flag which was waving over my head. They well knew what I meant, and the sudden response to my parting admonition was, I can truly say, the most gratifying ‘farewell’ I could possibly have received from them.”

The compliment paid to Sir Francis by a popular meeting was but the echo of the House of Assembly when that body, through their Speaker, on the 6th March, presented to His Excellency an address, in which was contained this paragraph :

“In the name of the people of this Province, I offer to your Excellency the expression of their deep regret that your Excellency should have felt constrained to tender to Her Majesty your resignation of the Government of this Province, which your Excellency has administered with so much credit to yourself and credit to the country. The people of Upper Canada will ever retain a grateful recollection of the services of your Excellency, and they feel assured your Excellency will meet with a due reward at the hands of our youthful and beloved Queen.”

The question may well be asked, “Did he ever meet with that reward?” Alas! the answer must be that he did not. He ever opposed the policy of concession and concilia-

tion, followed for many years by the British Ministry in minor points, while refusing constitutional reform, a disastrous policy which the Ministry of his day would have had him also follow. They could express gratification at his success in the election of 1836, in which he received a verdict for upholding the constitution at the peril of his own official existence; they could applaud his firm suppression of the rebellion, but rewards were reserved for others less pliant than he, an uncompromising opponent of all that savoured of democracy in the Colonial Government as it existed at the time he represented loyalty in the Province.

Sir Francis was an author of no mean reputation, having written several books. They were: "The Bubbles from the Brummen of Nassau," "The Emigrant," "Life of Bruce, the African Traveller," "Faggot of French Sticks," and "A Fortnight in Ireland." The last named is said to have been his best work. For his contributions to literature he enjoyed a pension of £100 from the Pensioners' Fund. After his retirement from the Governorship of Upper Canada he resided in England, leading the quiet and uneventful life of a country gentleman at his residence, Duppay Hall, Croydon.

He was an active, well-preserved man, who rode straight to hounds up to seventy-five. In 1867, when the Confederation of Canada was taken up, he was created a member of the Privy Council, to lend his valuable knowledge of Canada to aid the deliberation of the Council in framing the British North America Act. He lived to the good old age of eighty-two, dying on 20th July, 1875, just thirty-nine years after his most notable political success was rewarded with a baronetcy. His wife survived him some years.

## CHAPTER XII.

### *SIR GEORGE ARTHUR, K.C.H., LIEUTENANT-GOVERNOR.*

SIR GEORGE ARTHUR, the successor to Sir Francis Bond Head as Governor of Upper Canada, was born June 21st, 1784. He was the youngest son of John Arthur, of Norley House, Plymouth, and entered the army in the 91st Highlanders on 25th August, 1804. Having been promoted to a lieutenancy in the 35th Foot, he served with that regiment in Sir James Craig's expedition to Italy in 1806, and in the following year, proceeding to Egypt with the force under the command of General Fraser, he was engaged in the attack upon Rosetta, and was severely wounded. In 1808 he served as a captain in Sicily under Sir James Kempt, and in 1809, in the expedition to Walcheren, where, in command of the Light Company of his regiment, he was employed in the attack upon Flushing, and was again wounded, he with his single company taken prisoners—five officers and three hundred men. For his services on this occasion Captain Arthur was thanked in general orders, and was appointed on the field deputy assistant adjutant-general. On his return to England he received the freedom of the city of London and a sword. A similar distinction was conferred upon him by his native town of Plymouth.



*Geo Washington*



He subsequently served as a military secretary to Sir George Don, the Governor of Jersey, and having attained his majority in the 7th West India Regiment, in 1812, joined that regiment in Jamaica and was shortly afterwards appointed Assistant Quartermaster-General of the forces in that Island. Major Arthur was subsequently appointed, in 1814, Lieutenant-Governor of Honduras (British Honduras), which office he held with the rank of colonel on the staff, combining the military command as well as the civil government until 1822. During this period Colonel Arthur suppressed a serious revolt of the slave population of Honduras. His despatch on the subject of slavery in the West Indies attracted the attention of Mr. Wilberforce and of Mr. (afterwards Sir James) Stephen. Returning to England on leave of absence in 1822, for the purpose of furnishing the Government with further information on the subject of emancipation, Colonel Arthur was appointed in 1823 to the Lieutenant-Governorship of Van Diemen's Land, together with command of the military forces in that colony, then Britain's principal penal settlement. The ill-regulated system of transportation which was in force had led to terrible abuses, and the object of Colonel Arthur's appointment was the introduction of an improved system. His strong good sense and humanity indicated the possibility of a middle course between the extreme severity of the course which would make transportation simply deterrent and the over-indulgence of the system which aimed at reforming the convict by gentle treatment. He held that it was possible to make transportation a punishment much dreaded by criminals, whilst offering every facility

for reform to those who were not hardened in crime; but he entertained no quixotic expectations of frequent reformation. His plans were never allowed a fair trial. The colonists and their friends in England were bent on putting an end to the transportation-banishment system altogether, and their views ultimately prevailed. Colonel Arthur's administration of Van Diemen's Land lasted for twelve years, and was marked throughout by a rare combination of humanity with firmness and courage, and above all by a shrewd common sense and practical judgment which secured for him alike the respect of the colonists abroad and the confidence of statesmen at home. While holding the Government, Colonel Arthur discerned the advantage which would accrue to the Australian colonies from adopting a system of confederation. It is believed that he was the first to suggest this important colonial reform.

The services Colonel Arthur had rendered Government gave him a claim to promotion, and it was thought that in view of the condition of Upper Canada following on the rebellion which had been suppressed by Sir Francis Head, no better man than he could be appointed Lieutenant-Governor of the Province. Humanity coupled with firmness, was a feature of his administration in Van Diemen's Land, and this was a quality which Upper Canada had much need of in its Governor, to take upon himself the government of the Province in succession to Sir Francis Head. But a short time previous to this date, Samuel Lount and Peter Mathews had been convicted of treason at the Toronto Court of Oyer and Terminer, and sentenced to be executed on the 14th April. They were men of note—one of them,



Samuel Lount, had been a member of the Provincial Parliament—and had many friends in both political parties who would gladly have welcomed a pardon in their case, or at least a commutation of the sentence passed upon them by the Chief Justice, the only sentence he could pass, that of death. It rested with the newly-arrived Governor, Sir George Arthur, to extend the clemency of the Crown to the condemned if he thought fit to do so. Sir George was very much importuned—as many as thirty thousand people petitioning him to extend the mercy of the Crown to the prisoners—but all attempts to procure a commutation of the sentence proved of no avail. The Executive Council, the Attorney-General, and the Chief Justice, before whom the prisoners were tried, could see no ground for interference of the Crown, and Sir George would not take upon himself the responsibility of annulling or even staying the sentence of the law. The *Christian Guardian* newspaper, the influential organ of a large body of Methodists of the Province, in an editorial under date of April 18th, 1838, gave some of the reasons why Sir George Arthur could not see his way clear to exercise the clemency of the Crown. The editorial was as follows:

“We understand that several petitions, praying for the exercise of the Royal prerogative in their behalf, were sent to the Governor, who expressed his deep regret that the circumstances were such as to render his interference improper, and that a sense of public duty constrained him to allow the law to take its course in relation to them. The decision was probably mainly founded upon the consideration that Lount was the

leader of the band of rebels at Montgomery's on the fatal night on which the gallant Colonel Moody was murdered, and that no facts have transpired to elicit the actual perpetrators of that horrid deed, and that Mathews was the leader of the party who burned the property of Mr. Washburn, attempted to burn the Don bridge, killed a man, and fired upon a woman who expostulated with them.

"With these particulars before them, and many others which have not been made public in consequence of the prisoners having avoided a trial by pleading guilty, it appears that the Executive deemed it imperative that such an example should be made as would be likely to deter persons in time to come upon entering upon a project so fraught with evils of the highest magnitude and so utterly subversive of everything that is essential to the good order of society."

Mr. McMullen, in his "History of Canada," in making reference to the execution of Lount and Mathews, has this to say: "Up to the month of May, Samuel Lount and Peter Mathews, the leaders of Mackenzie's attack upon Toronto, had alone been executed for treason. Their fate was a sad one, but their punishment was just. Both belonged to the Methodist Episcopal body, and were attended by its ministers to the scaffold. Several others had been sentenced to death at Hamilton and Toronto, but Sir George Arthur, blending mercy with justice, transferred the greater part of them to the penitentiary at Kingston."

The Government seem to have made a difference between the leaders and their followers. Doubtless the same fate would have fallen on Mr. Mackenzie as befell

Lount and Mathews if he had been caught at the time; but although one thousand pounds was offered for his capture, he managed to escape to the United States, from whence, after being driven from Navy Island, he, with his American sympathizers, made war on the Province which had been his home, and upon the people, many of whom had given him political support.

The Canadian refugees in the United States and their American allies now took the name of "Patriots," and on the 29th of May a notorious character, named Bill Johnston, at the head of a gang of fifty men, set fire to and burned the *Sir Robert Peel*, one of the finest Canadian steamboats plying on the St. Lawrence, while she was taking in wood at Well's Island, on the American side of the river, seven miles from French Creek. The crew of the *Sir Robert Peel* lost all their clothing and other property, and the passengers were able to save very little of their effects. This outrage had the result of bestirring the Governor of the State of New York to take active means to discover the perpetrators of this piratical act, and to bring them to punishment. The American Government also sent troops to the frontier to preserve the peace and to prevent further armed expeditions against the Canadas.

Notwithstanding the efforts made by the United States Government to observe neutrality, citizens of the Republic, under the name of "Patriots," and members of Hunters' lodges, another organization got up in the United States for the avowed purpose of annexing Canada, were planning an invasion of Canada. On the 23rd October, 1838, Sir George Arthur by proclamation called out a portion of the militia, and at the same time

the Canadian armed vessels were put into the most efficient condition for active service. Mr. Mackenzie and his followers were endeavoring to embroil England and the United States in a war, which was likely to occur unless the most prudent management should avoid it. In November the attack on Prescott and the battle of the "Windmill" occurred, ending in a repulse of the Patriots-Hunters'-Lodge gang of desperadoes; and again at Windsor, opposite Detroit, in December, the invaders suffered a defeat which terminated the Patriots' invasion of Canada. Too much credit cannot be given to the gallant militia of the Province, and the firm attitude assumed by the civil Government and military authorities for their part in repressing the rebellion and successfully resisting invasion. The known historical facts, showing the determined way in which these various invasions were met, enable us to see that Canada at this period of her history had men at the head of her affairs well qualified to cope with the difficulties that surrounded her.

The humanity and firmness which had served Sir George Arthur well in other colonies of the Empire, stood him in good stead in the unsettled and tempestuous time of his government in Upper Canada.

In opening the House of Provincial Parliament, on the 27th February, 1839, he entered into a review of the painful occurrences of the last year, and pointed out the measures he deemed necessary for the welfare of the country; he recommended the settlement of the Clergy Reserves question, and the promotion of education by an improvement in the Common School system, and asked

to be indemnified for the large disbursements he was called on to make in defending the country.

In 1841 the two Provinces were united under a Governor-General, in the person of Lord Sydenham, at whose special request Sir George continued for a time to conduct the administration of Upper Canada as Deputy Governor, but upon his own express stipulation that he should receive no emolument or remuneration for that duty. Sir George Arthur's services in Canada were rewarded with a baronetcy, which was conferred upon him shortly after his return to England in the summer of 1841.

After his return to England, Sir George was offered and accepted the Governorship of Bombay. At this period Lord Ellenborough was Governor-General of India, and there was friction between the Local Government of Bombay and the Government of India, though not of such a nature as to give concern. Sir George succeeded in retaining the esteem of the Court of Indian Directors and of his own colleagues in the Government of Bombay, as well as that of Lord Ellenborough, who recorded the name of Sir George Arthur upon a monument which he erected in England to those who had best seconded his efforts for the maintenance and extension of the British Empire in India. Before the close of Lord Ellenborough's administration there was an insurrection in the Presidency of Bombay, which was speedily and judiciously suppressed by Sir George Arthur. Sir George retired from the Government of Bombay in 1846, and on his return to England was made a Privy Councillor, and was honored by the University of Oxford with the

honorary degree of D.C.L. He received the colonelcy of the 50th Queen's Own Regiment in 1853, and died in the following year. Sir George Arthur married, in 1814, Eliza Orde Usher, second daughter of Lieutenant-General Sir John Frederick Sigismund Smith, K.C.B., and had five daughters and seven sons, of whom five survived him. Sir George Arthur's career was a successful one in every way. He was an eminently unselfish man, imbued with a deep sense of religion, and as much respected for his unswerving integrity in private as in public life.





*Sydenham*

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## CHAPTER XIII.

*RIGHT HON. CHARLES EDWARD POULETT  
THOMSON, LIEUTENANT-GOVERNOR.*

DURING a short portion of Sir Henry Arthur's government of Upper Canada, Mr. Poulett Thomson, at the time Governor-General of Canada, was sworn in and acted as Lieutenant-Governor from November 22nd, 1839, to February 18th, 1840, when Sir George Arthur again assumed the chief magistracy. Mr. Thomson, the son of a wealthy London merchant, was born at the family seat, in Surrey, on September 13th, 1799. After he attained his sixteenth year he was despatched to St. Petersburg, in 1816, to enter on a mercantile career in a branch of his father's house there. After successfully rising to a partnership in 1821 he returned to London in 1824, and in 1826 entered political life, being elected member for Dover in the Liberal interest in that year. In the House he rose rapidly, and in 1830 entered Lord Grey's Ministry as Vice-President of the Board of Trade, which post he held to 1834, when he became President of the Board of Trade and took a seat in the Cabinet in April, 1835, holding it till 1839, when, his health failing, he accepted the Governorship of the British American Provinces, being sworn in on the 29th of August, 1839, and proceeding at once to Quebec. Shortly after his

arrival he set out for Upper Canada to complete Lord Durham's mission in obtaining the consent of the Province, as well as the information necessary to frame a Bill to unite Upper and Lower Canada, and to arrange the financial affairs of the Province, then in a state of practical bankruptcy. Arriving at Toronto on November 21st, he was received with addresses of welcome from the Corporation and Board of Trade. He opened the Legislation on December 3rd, and shortly after his Government introduced the Union resolutions, which were carried, after a fortnight's debate, on December 19th. His next step was to settle the most important and much vexed question of the Clergy Reserves, and he, by the exercise of the greatest tact and diplomacy, succeeded in obtaining the support of the leading individuals of the principal religious communities to a measure for the distribution of the Reserves among the religious communities in proportion to their respective numbers. This measure was subsequently disallowed as in excess of Legislative authority, but was afterwards in effect adopted by the Imperial Parliament.

Mr. Thomson, in dealing with the politicians of Upper Canada, endeavored to steer a middle course and keep clear of all parties. He formed a most decided opinion on the evils of an oligarchy, and thought the rebellious party not much to blame for revolt against the kind of government they got. He, by the exercise of the utmost fairness, gained the confidence of the Reform party and, with the moderate Conservatives, succeeded in carrying both these great measures in an incredibly short time. He also saw the extreme importance of establishing local or municipal government, and the subsequent passing of such a measure, with the settlement of the

Clergy Reserves, did more than anything to secure peace in Canada.

Having closed the session, Mr. Poulett Thomson left Toronto for Lower Canada on February 18th, 1840, reaching Montreal on the evening of the 19th, covering the whole distance of 360 miles in less than thirty-six hours, probably one of the fastest journeys ever made in Canada over ordinary winter roads. In 1840 Mr. Thomson was elevated to the peerage in reward for his services with the title of Baron Sydenham, of Sydenham, in Kent, and Toronto, in Canada. Having made the proclamation of the Union of 1841, on the anniversary of the Queen's marriage, and seen the successful carrying out of the ensuing elections, notwithstanding the violent opposition of a large portion of the French-Canadians, during which serious riots took place, Lord Sydenham met and opened the first Parliament of the united Canadas at Kingston. As the close of the session approached, feeling his work accomplished and his health being bad, he sent in his resignation in July, 1841. On the 4th of September, however, he was thrown from his horse and dragged, his leg being broken and severely wounded. At first he was thought to progress favorably, but on the ninth day it was seen that the fracture was not mending, and he rapidly sank, expiring after receiving the Holy Sacrament on September 19th, at the age of forty-two.

In person he was of most pleasing appearance and of a charming and refined manner and address, and being of an amiable disposition was universally loved and esteemed. That he had never married was attributed partly to an early disappointment and partly to his incessant labors and failing health.

## CHAPTER XIV.

*MAJOR-GENERAL HENRY WILLIAM STISTED,  
C.B., LIEUTENANT-GOVERNOR.*

FROM the expiry of Sir George Arthur's term and the union of Upper and Lower Canada in 1841 to Confederation, Upper Canada was without a Lieutenant-Governor, the two Provinces being governed by the one Governor-General, and the seat of Government not being fixed, but changing from Montreal to Toronto or Kingston or Quebec, according to the fancy of the Government of the day. This arrangement was exceedingly inconvenient to both the public and the officials, and a reorganization was fitfully discussed.

After many years of agitation, the rival politicians of the Canadas were able for a time to sink their differences and unite in a conference, which led to the confederation of the various provinces under the name of the Dominion of Canada—Upper Canada being from the first day of Confederation rechristened Ontario. This was in 1867, and from that time the Federal Government had the power of appointing lieutenant-governors of the Provinces. Before the organization of the new Government and the selection of suitable lieutenant-governors, it was decided that for the present the chief Imperial military officer in each Province



*A. H. H. H.*



should act as provisional governor. In Ontario the lot fell on Major-General Henry William Stisted, who had lately succeeded General Napier in command of the Imperial forces in Upper Canada. General Stisted was a son of Colonel Henry Stisted, of the Third Dragoons. He was a Sandhurst man, and entered the army in 1835 as ensign in the 2nd Queen's Royal, with which he served during the campaign in Afghanistan and Beluchistan. He served with the 78th Highlanders in the Persian war, 1857, commanding a brigade in the night attack and battle of Kooshab, for which he was rewarded with a C.B. He served with Havelock in the mutiny and was at the relief of Lucknow. He there succeeded to the command of the 1st Brigade, and held that command during the whole of the defence of the Residency, and also with Outram's force in the final capture of Lucknow. In 1864, after further service in India, he was made a major-general, and in the latter part of 1866 was given the divisional command of Upper Canada, and as holder of that command was made first Lieutenant-Governor of the new Province of Ontario.

General Stisted's appointment, was first announced in July, 1867, and was hailed with approval, especially in Toronto, the headquarters of the troops, where he had already made himself very popular by his attractive social qualities. His term of office was for a year, during which he presided over the first Parliament of Ontario, begun on December 27th, 1867, and lasting to February 28th, 1868, of which one of the principal Acts was the Act respecting free grants and homesteads, under which the northern part of the Province has

since been opened up, and in honor of the first Governor of Ontario the township of Stisted, in the Free Grant District, was named after him.

General Stisted left Canada shortly after his relinquishment of office on July 14th, 1868. After his return to England he was knighted in 1871. He married in 1845, Maria, daughter of Lieutenant-Colonel Burton, who survived him. Up to the time of his death he was Colonel of the 93rd Sutherland Highlanders, and had seats at Dulwich (Bentley Lodge) and at Upper Norwood (Wood Park). He died on December 10th, 1875, at the age of fifty-eight.







*H. P. Howland*

## CHAPTER XV.

### *THE HONORABLE WILLIAM PEARCE HOWLAND, C.B., LIEUTENANT-GOVERNOR.*

WILLIAM PEARCE HOWLAND, who succeeded Major-General Stisted, was of English descent, but of American birth. His ancestor, John Howland, was an English Quaker, who came to America on the *Mayflower*, landing at Plymouth on the 22nd of December, 1620. The father of Sir William was Mr. Jonathan Howland, a resident of Dutchess County, in the State of New York, whilst his mother was Lydia Pearce, whose family resided in Dutchess County, and were well known and influential citizens. Sir William was born in Paulings, in the State of New York, on May 29th, 1811, and was the second son. To have had as Lieutenant-Governor of Upper Canada a descendant of one of the Plymouth fathers is somewhat of a singular circumstance. But the student of history knows that the old Pilgrims extended their branches in every direction. Sir William's progenitor, John Howland, settled in the old English colony of Massachusetts Bay, and his descendants may now be traced in nearly every State of the Union. It is not surprising, therefore, that he had in Sir William a descendant who crossed the boundary and became a citizen of Upper Canada.

Sir William in his early boyhood was brought up to farm work, but this not being altogether congenial to his taste, he chose in preference a commercial calling. He prepared himself for a business career by attending a public school, and afterwards an academy at Kinderhook. When he was nearly nineteen years of age (1830) he came to Canada, and settled in the village of Cooksville, on Dundas Street, in the township of Toronto. His first experience in the commercial line was as assistant in a country store. In this store was kept the post-office of the village. What that means all old pioneers can tell. It meant in this case assiduous attendance and carefulness by those who had to attend to the mail. Young Howland had not only to receive and deliver letters, but to be up at late hours at night and early in the morning to catch the bags hurled from the mail coach, open them, sort the letters, take out those for the village and district around, return the others to the bag, and the same to the driver of the post-coach to deliver at some other office in the route. In the performance of these duties, and in tending store, as it was called, he thus commenced and received an education which led on to his future fortune.

His next venture was to start in business for himself. He formed a partnership with a brother, Mr. Peleg Howland, in a general commercial business. This business was so successful that they soon had several establishments in the townships of Toronto and Chinguacousy. In addition to a general mercantile business, the firm engaged in lumbering, rafting, and the manufacture of potash and other business dealings in which they could see some profit for their enterprise and industry.

By the time of the outbreak of the rebellion of 1837, William Howland had become a noted man in Toronto and Chinguacousy townships. His enterprise in business had not only made him many firm commercial friends, but many farmer friends also. Mr. Mackenzie, the agitator and self-constituted leader of the more advanced of the Reform or Liberal party, now endeavored to entrap him and engage him in some of his schemes for the overthrow of the Government of the Province. Mr. Howland was, however, too wary to be persuaded to engage actively in any such enterprise. His sympathies were with reform, but his common sense told him that men in active business are better out of politics; besides he was an alien, had not been naturalized, and therefore did not think it right to engage in political contests.

Soon after the union of the Provinces, in 1841, he became naturalized, and then felt at liberty to take part in party politics. He did not, however, interest himself actively till the general election of the year 1848, when he identified himself with the Reform party, supporting Mr. James Hervey Price against the Conservative candidate in the West Riding, in the County of York, just prior to the formation of the Baldwin-Lafontaine administration.

Mr. Howland at this time was engaged in a large wholesale business in Toronto, to which place he had removed, with large interests in the produce, milling, and other branches of trade. The increase of his business brought him increased wealth, so much so that he could now afford to pay more attention to political matters. His adherence to reform and the propagation

of liberal principles had obtained for him the confidence of the electors of West York, who, at the general election of 1857, returned him to the Assembly to advocate on the floor of the House the principles which he had espoused.

When the Reform party came into power, in April, 1862, under the leadership of the Hon. John Sandfield Macdonald and Louis Victor Sicotte, Mr. Howland was offered the post of Minister of Finance, which he accepted and held for a year. Mr. Sicotte and Mr. Howland, during the year 1862, were appointed delegates to proceed to England to discuss with the Imperial Government the arrangement in connection with the militia of Canada, and to meet delegates from Nova Scotia and New Brunswick to discuss the question of construction of the Intercolonial Railway. While in England he and Mr. Sicotte succeeded in forming a committee there for the purpose of seeing what could be accomplished in the matter of acquiring the whole North-West territory for Canada. Sir Edward Watkin became a member of the committee, bought stock in the Hudson's Bay Company, and afterwards sold the stock for a large sum. Negotiations for the purchase of the territory proceeded so far as to enable the Macdonald-Cartier Government afterwards to complete it.

The Honorable Luther H. Holton succeeded him in the Macdonald-Dorion Cabinet which was then formed. Mr. Howland subsequently became Receiver-General in the same Ministry, and held this position till the defeat of the Government in 1864. He was not a member of the coalition Government of the Honorable John A. Macdonald and Honorable George Brown, but he was an active and influential supporter of the Reform wing

of the coalition, and on the elevation of the Honorable Oliver Mowat to the Bench, in 1864, he succeeded that gentleman as Postmaster-General, and became a member of the Executive Council. He continued to be Postmaster-General until the retirement of Honorable Alexander Galt, in August, 1866, when he succeeded the latter as Finance Minister. This office he held until Confederation, when, on the formation of the first Dominion Government, on the 1st July, 1867, he was appointed a member of the Privy Council and Minister of Inland Revenue.

Mr. Howland was a firm believer in the confederation of the Provinces, and a firm supporter of the scheme to attain that object, and was one of the three delegates representing Upper Canada at the London Conference at which the terms of Confederation were agreed upon.

Of such transcendent importance did he view that question, that on the occasion of the Honorable George Brown leaving the Ministry in 1865, ostensibly on a difference of opinion on the Reciprocity question, Mr. Howland took his place at the Council Board to maintain the balance of power as established in 1864.

Mr. Howland's adherence to the cause of Confederation, and his active services rendered in the promotion of that object, procured for him the Order of Companion of the Bath, conferred on him in 1867.

In July, 1868, he retired from the Government, and was appointed Lieutenant-Governor of the newly-named Province of Ontario, which position had, from the confederation of all the Provinces in 1867, been held by Major-General Stisted, the senior officer in the station. Mr. Howland continued to be Lieutenant-Governor of

the Province until the month of November, 1873, fulfilling all the duties incident to the position in a manner acceptable to the people and to the Dominion Government, from whom he received the appointment. Under the new system of government created by the Confederation Act, the Lieutenant-Governors owed their responsibility to the Dominion Government, and not to the Imperial Government, as was the case with the Lieutenant-Governors under the system that previously prevailed.

After Mr. Howland's term of office as Lieutenant-Governor expired, his services were again recognized by the Government when he was called upon to examine into and report upon the route of the Bay Verte Canal. On the 24th May, 1879, he was created a Knight of the Order of St. Michael and St. George.

Sir William has never ceased being actively engaged in some kind of business.

After vacating the office of Lieutenant-Governor he continued for some time to superintend his commercial business in Toronto. He has been President of the Ontario Bank, President of the Toronto Board of Trade, and of various mercantile companies, and from its foundation President of the Confederation Life Insurance Company. Sir William Howland was a pioneer in opening up the North-West territory. In 1857-1858 he was a director of the Rescue Company, formed for that purpose.

He has been three times married. First, to Mrs. Webb, of Toronto, a widow, whose maiden name was Blyth. Second, to Mrs. Hunt, the widow of Captain Hunt, of



Toronto and Kingston. This lady will be best remembered as the kindly hostess of Government House, when she so ably assisted her husband in the performance of social duties at the Governor's residence. Her name will long be remembered as the promoter of many public charities. The present wife of Governor Howland was the widow of the late James Bethune, Q.C., a Bencher of the Law Society, in his lifetime a most able and successful lawyer.

## CHAPTER XVI.

### *HONORABLE JOHN WILLOUGHBY CRAWFORD, LIEUTENANT-GOVERNOR.*

HIS HONOR LIEUTENANT-GOVERNOR CRAWFORD was the second son of the Honorable George Crawford, Senator of the Dominion, by his first wife, Miss Brown. Governor Crawford was born at Manor Hamilton, in the county of Cavan, Ireland, in 1817, and with his parents came to Canada when about seven years of age. He was educated in Toronto for a professional career. The profession he chose was that of the law, and after the usual five years' training in the office of a barrister, he was called to the bar in Trinity term, 1839. He never exerted himself to be an advocate, although in the early stages of his professional career he frequently argued cases in Osgoode Hall. He had very quick perception, and was able to seize the crucial points of a case with great readiness. These qualities well fitted him for a chamber counsel, a branch of the profession which he preferred rather than the stormy discussions of *nisi prius* and addressing juries, which was not congenial to him. The writer was a student of his in 1844, when he had an office at the corner of King and Jordan Streets, in Toronto, and at the same time lived with him when he kept bachelor's hall on Yonge Street, east side,



*Manuel de*



near McGill Street, in the cottage afterwards owned and occupied by Chief Justice Richards. Mr. Crawford, the Honorable John Ross, and Chief Justice Richards were very intimate friends in their younger days in Brockville, in the county of Grenville, their friendship continuing through life.

The special branches of the profession to which Mr. Crawford applied himself when practising law were banking and commercial law. In these departments he had no superior in his day in Toronto. After practising by himself for a time, he entered into partnership with the Honorable Henry Sherwood, having chambers at the corner of King and Court Streets, in Toronto. This firm did a large business until it was broken up by the entrance of Mr. Sherwood into Parliament. Mr. Crawford's next partner was Mr. Hagarty, afterwards Chief Justice of Ontario, and now Sir John Hawkins Hagarty. In Mr. Sherwood and Mr. Hagarty Mr. Crawford had as partners the foremost men of the day in the profession. Both were very able advocates, and the fortunate possessors of the eloquence that commands the attention of judges and juries, and brings home dollars in the shape of good fees. The firm of Hagarty & Crawford was a very successful one. Mr. Hagarty was not only a first counsel, but had a large conveyancing clientele. The Registry Office will show many deeds and mortgages in his handwriting, especially many connected with the estate of the late William Cawthra, the millionaire, for whom Hagarty & Crawford were solicitors and counsel. In the conduct of the business of this firm Mr. Crawford confined himself mostly to office work, consultation, and that part of the business connected with

banking and commercial matters. The writer had good opportunity for knowing the extent of the business, as he had an office in the same building, and when there was too great a press of business, was entrusted with some of the special pleading, more thought of in those days than at the present time.

Mr. Crawford was Lieutenant-Colonel of the 5th Battalion of the Canadian militia, and took pride in being in some way connected with the defence force of the Province. He was also president of the Toronto and Nipissing Railway, and president of the Royal Canadian Bank. He was essentially a business man, and highly esteemed in business circles. In his professional days he took little thought of politics. Still, he was of the Conservative party, and when, in 1861, a candidate of that party was sought for East Toronto, the choice fell on him, and he was elected for the constituency. He represented this constituency until the general election in 1863, when he was defeated. After the confederation of the Provinces, in 1867, Mr. Crawford represented South Leeds in the House of Commons till November 5th, 1873, when he was appointed Lieutenant-Governor of Ontario.

There are not many living to-day who can speak of Governor Crawford as can the writer of these pages. I well remember his visits to Brockville in 1841-42. I was then a student of the Honorable George Sherwood, with whom he generally stayed when visiting the old town, and thus had many opportunities of seeing him. Then I lived with him for a year before his marriage, at the cottage on Yonge Street, and in his political contests in Toronto I was always his supporter, canvassing, speak-

ing, and voting. I was impelled to this, not merely from the fact that I had been an old student of his, but because I was acquainted with his whole character. He was a man of strict integrity, great independence, who thoroughly despised a mean action. He married Helen, daughter of Judge Sherwood, by whom he had several children, one son and five daughters. The son is now agent of the branch Bank of Montreal, Yonge Street, Toronto; one daughter is the wife of Captain Law, R.N., many times secretary to governors, and another is married to John A. Macdonell, Q.C., of Alexandria, county of Glengarry. Mrs. Crawford, now deceased, while at Government House dispensed her hospitality with tact and with dignity, which was one of the characteristics of her life.

Governor Crawford died at Government House on the 13th day of May, 1875.

The Honorable David Christie, Secretary of State for the Dominion in 1873, and Speaker of the Senate of Canada, 1874, was appointed administrator of the Government of Ontario in May, 1875 (during the last illness of Lieutenant-Governor Crawford), but was not sworn in, owing to the death of the Lieutenant-Governor.

## CHAPTER XVII.

### *THE HONORABLE DONALD ALEXANDER MACDONALD, LIEUTENANT-GOVERNOR.*

THE Honorable John Crawford was succeeded in the governorship of Ontario by Lieutenant-Colonel the Honorable Donald Alexander Macdonald, a Canadian born, but of Scotch descent. Mr. Macdonald's military rank of Colonel was not of the regular service, but of the Glengarry militia—a loyal citizen-soldiery of a loyal race which has rendered good service to the Crown in many lands. The Glengarry militia were conspicuous in the war of 1812 and during the rebellion of 1837, always in the forefront when called upon. Donald Macdonald was born at St. Raphael's, in the Province of Lower Canada, in the year 1816, and had the honor of receiving his education under that staunch loyalist, the Roman Catholic Bishop Macdonell, whose name is familiar in the annals of the Province of Upper Canada, both secular and religious, and who was at one time a member of the Legislative Council of the Province.

Young Macdonald, when he arrived at the age of manhood, engaged in mercantile pursuits, in which he was successful. During the progress of construction of the Grand Trunk Railway, he found the business of contractor to be profitable, and amassed a considerable





*D. A. Macdonald*



fortune from contracts he held in building that great work. Like many other men, he prepared himself for the higher rank of legislating in the halls of Parliament by municipal public service, for a time serving the counties of Glengarry and Dundas as their warden.

He first entered Parliament in 1857, when he was returned for the county of Glengarry as member sent to the Upper Canada House of Assembly, and retained his seat until the union of the Provinces in 1841. After the confederation of the Provinces he was, in 1867 and again in 1872, elected to represent Glengarry in the Commons. His business capacity and statesmanlike ability obtained for him the offer of the treasurer-ship of Ontario in 1877, but he declined the honor.

When the Mackenzie Government of the Dominion was formed, in 1872, the member for Glengarry was selected as Postmaster-General, and again succeeded in securing an unanimous election for his county, and subsequently, in 1874, received the same honor. Mr. Macdonald remained in the Ministry, holding the office of Postmaster-General, till May, 1878, when he was offered the Lieutenant-Governorship of Ontario, which he accepted. His appointment was a popular one with all classes—his manliness of character having secured for him the respect of the leaders of both political parties. When he first entered Toronto as Lieutenant-Governor, he felt some apprehension that he would not be well received by the Conservatives, whom he had opposed in Parliament. He was much gratified, therefore, at receiving a Highland welcome, not only from his political friends but from those who had been his political opponents. During his term of office, Government House

was well kept up in all its functions. The Lieutenant-Governor, being a widower, confided the management of the social functions of Government House to his daughter, who, with much grace and tact, fulfilled all the obligations incident to their position. The Lieutenant-Governor himself was very much of the Highlander, both in build and in the exercise of that hospitality which is proverbial with the clans. He continued Governor during the whole term, and left Government House with the respect of the community. He did not re-enter public life after his term of office ceased, but lived a retired life at Montreal, where he died on the 10th June, 1896.





*John Rowley Robinson*

## CHAPTER XVIII.

### *THE HONORABLE JOHN BEVERLEY ROBINSON, LIEUTENANT-GOVERNOR.*

IN distributing favors like that of the appointment of Lieutenant-Governors, the Dominion Government no doubt look to fitness as the best recommendation to the office. A Lieutenant-Governorship is worthy the ambition of any man. It is generally regarded as a reward for distinguished political services rendered the Government of the day, care being taken to confer the honor upon some Parliamentary representative who has faithfully served his country in Parliament. The Honorable John Beverley Robinson was such a representative, and had the additional recommendation of being a native of the Province and of U. E. Loyalist descent.

John Beverley Robinson was the second son of Sir John Beverley Robinson, Chief Justice of Ontario, and was born at Beverley House, Toronto, on the 20th day of February, 1820. His grandfather was Christopher Robinson, fourth in descent from Christopher Robinson, Esquire, of Cleaseby, in the West Riding of Yorkshire, England, who came to America in the reign of Charles II., as private secretary to Sir William Berkeley, Governor of Virginia. The private secretary, Christopher Robinson, subsequently became also in his turn Governor of

Virginia. The second son of Christopher Robinson, the Governor of Virginia, was John Robinson, president of the Council of Virginia, who was born in that colony, and married Catharine, daughter of Robert Beverley, Esquire, formerly of Beverley, in Yorkshire, but then a resident of Virginia.

John Robinson, President of the Council, had several sons, one of whom was Colonel Beverley Robinson of the British army, who raised and commanded a regiment during the American Revolutionary war. Colonel Beverley Robinson's name is familiar as a prominent man in revolutionary days; he lived on the Hudson near West Point. His house was the rendezvous of the Tories of that period residing in the country about New York. West Point attained celebrity as the scene of the treachery of Benedict Arnold and the lamentable death of Major André.

Governor Robinson's grandfather, Christopher Robinson, at the age of seventeen, left the William and Mary College of Virginia, where he was being educated, and obtained a commission as ensign in Colonel Simcoe's Regiment of Queen's Rangers, which formed a part of Sir Henry Clinton's army. He served in this corps until the peace of 1783, when, on the regiment being reduced, he emigrated with many other Loyalists to New Brunswick. From New Brunswick he went to Lower Canada in 1788, and when Colonel Simcoe, who had become Major-General Simcoe, assumed the Government of Upper Canada, in 1792, he induced Christopher Robinson to remove to Kingston, Upper Canada, and he resided in Kingston several years. Taking up the study of the law, he was called to the bar in 1797, and was elected



member of Parliament for the counties of Lennox and Addington in 1798. Immediately after his election he removed with his family to York, but did not live to complete his new career, as he died in November, 1798, after a short illness.

Governor Robinson's father was distinguished in his early days as a lawyer. He was a politician of note, and was a leader of the Tories. Eventually he became one of the ablest jurists that Canada has produced. His son, the future Lieutenant-Governor, was educated at Upper Canada College, under its first Principal, the Rev. Dr. Harris. The writer remembers him as a college boy when he (the writer) entered the college in 1836. During his college course he was noted as much for his proficiency in the cricket field as in the classes. He was a robust youth, the envy of many a student who could not compare with him in muscular strength and activity. He was successful in carrying off college prizes, and was a general favorite of the masters and boys for his manliness of character. There are not many of his contemporaries now living, but those who are can testify to his good qualities, both of body and mind. He left college in 1837, and attracted the notice of Sir Francis Bond Head, the Governor, who appointed him one of his aides-de-camp. No doubt the Governor was influenced in his favor by his college reputation and by his fitness for this active position. Sir Francis was a good horseman, and a youth so excellent in outdoor sports as young Robinson would naturally attract his attention. He rode by the side of Sir Francis, when, on December 7th, 1837, the militia, headed by the Governor, marched up Yonge Street, met the rebels at Mont-

gomery's, and routed them. As the future Lieutenant-Governor was only seventeen years of age at that time, his active service for his country had thus an early beginning. After the defeat of the rebels at Montgomery's, Mr. Robinson was sent to Washington by the Governor with important despatches to the British Minister, and remained in the United States capital several weeks. The rebellion being suppressed, Mr. Robinson was admitted a student of the law, and entered the office of Christopher Hagerman, Esquire, Attorney-General of the Province, afterwards a Judge of the Queen's Bench. After studying in the office of Mr. Hagerman for two years, he was transferred to the office of Strachan & Cameron, a firm composed of Captain James McGill Strachan and John Hillyard Cameron, and remained with them till the expiry of his articles in 1844.

After his call to the bar he commenced the practise of his profession in Toronto. He had not been long in practise, only three years or thereabouts, when on the 30th June, 1847, he married Mary Jane, the second daughter of his former master, Judge Hagerman. Mrs. Robinson will long be remembered in Toronto as an accomplished vocalist; her sweet musical voice was very frequently in requisition for concerts given for the benefit of charity and the poor. She was ever ready to respond to calls made on her, giving of her best talent to promote the cultivation of music in Toronto, and helping those who were under her in station. She had a heart full of kindness, and nothing gratified her more than ministering to the wants of the needy.

Mr. Robinson was more cut out for public life than the drudgery of a professional career. He had great objections to pursuing the calling of an advocate. To have done so would have entailed on him the necessity of his pleading before his father, Chief Justice Sir John Robinson, of which he did not approve. The red hangings at the entrance to the Queen's Bench, in which court his father presided, seemed to act upon him as a deterrent which he avoided. If he had got beyond he might have succeeded, but its repellent force was irresistible. His first essay in public life was his election as alderman for the ward of St. Patrick, in the city of Toronto, in 1851. He was alderman of the ward for six years, and in 1857 was elected Mayor of the city. He performed the duties of Mayor so entirely to the satisfaction of the citizens, that on the first opportunity offering, in 1858, he was, on the coming of the next general election, offered a candidature for one of the divisions of Toronto as a representative in Parliament, and was elected a member for the city. He was a strong and consistent Conservative in politics, and was elected to support the Macdonald-Cartier administration. He was a useful member of Parliament for the city, and was instrumental in obtaining legislation for city improvements and other advantages, all tending to the development of his native town. In 1862 he was offered and accepted the presidency of the Council in the Macdonald-Cartier administration, and retained that office till the resignation of the Government, which took place during the same year. Altogether he represented Toronto in Parliament seven times—a record highly honorable to himself and the citizens of the capital of the Province.

After Confederation of the Provinces, Mr. Robinson was, in 1872, elected member of the House of Commons for the constituency of Algoma, which he continued to represent until the dissolution of the House; when, at the general election of 1878, he was again returned for the western division of Toronto by the large majority of 637 votes. The popularity of John Beverley Robinson was evinced not only by the citizens of Toronto so often electing him to Parliament, but the Council of the city appointed him to the responsible position of City Solicitor, which office he held from 1864 till 1880. He continued to represent West Toronto until the 30th June, 1880, when he was appointed Lieutenant-Governor of Ontario in succession to the Honorable Donald Macdonald. He filled the position of Lieutenant-Governor for the full term very acceptably to the whole Province. While he occupied Government House the doors were always open to rich and poor alike. The sympathetic nature of Mrs. Robinson, and his personality, attracted to Government House the classes and masses alike. Mrs. Robinson did not confine her entertainments to those who were rich in this world's goods, or to a favored few, but was always the genial hostess to guests of whatever class whose respectability gave them a claim upon the attention of the chief lady of the Province. The Lieutenant-Governor was a man of splendid physique, a presence that could not but attract to him many admirers. In his administration he never allowed politics to sway his actions. He was a constitutional Governor, and none were more ready to admit it than his advisers, who had been brought up in a different

political school. After his administration as Governor had come to an end, he held several offices in connection with financial public institutions. He was at one time, before his appointment as Lieutenant-Governor, president of the St. George's Society. He was one of the promoters of the Northern Railway, the Toronto and Guelph Railway Company, in the establishment of the Western Canada Loan & Savings Company, and in the building of the Rossin House. His love of athletic sport induced him to inaugurate the Toronto Athletic Club, of which he was the president. In 1896 he was attending a public meeting at Massey Hall, and was waiting in an ante-room before speaking in the interests of the Conservative candidate, when he was suddenly stricken by the hand of death, and died before leaving the hall, leaving several surviving children to mourn his sudden demise.

HON. JOHN HAWKINS HAGARTY.

During a temporary absence from the Province the Honorable John Hawkins Hagarty, Chief Justice of the Court of Queen's Bench, acted as administrator from June 23rd to July 7th, 1882. Mr. Hagarty, whose tenure of office was short, has for many years been a prominent figure in Ontario. He was born in Dublin in 1816, was educated at Trinity College, Dublin, and in 1835 emigrated to Canada, where he immediately entered upon the study of the law and was called to the Bar in 1840. He was made a Judge of the Court of Common Pleas in 1856, and Chief Justice of that Court in 1868, Chief Justice of the Queen's Bench in November, 1878, and President of the Court of Appeal and

Chief Justice of Ontario May 6th, 1884. He was knighted in 1897 and retired from the Bench in April of that year. He is still residing in Toronto, the scene of his long service on the Bench of Ontario.

HON. JOHN GODFREY SPRAGGE.

Mr. Spragge succeeded Mr. Hagarty as administrator until September 6th, 1882. He was born at New Cross, a suburb of London, in 1806, and came to Canada in 1820, studying law and being called to the Bar in 1828. He was long distinguished as an Equity draughtsman, and quickly rose to eminence at the Bar. He was elected a Bencher in 1835 and was made Master in Chancery in 1837, and Registrar of the Court of Chancery in 1844, being finally appointed the Vice-Chancellor in 1859. He succeeded to the Chancellorship upon the death of Mr VanKoughnet in 1869, and filled that position until May 2nd, 1881, when he became Chief Justice of the Court of Appeal, filling that position until his death on April 20th, 1884. Mr. Spragge was a man of invariable equibilty and discretion. He was devoted to the manly sport of cricket and was a sincere Churchman, being constant in his attendance at the old Church of St. John the Evangelist, on Stewart Street, near which he for many years resided.





*Hampbell*



## CHAPTER XIX.

### *THE HONORABLE SIR ALEXANDER CAMPBELL, K.C.M.G., LIEUTENANT-GOVERNOR.*

SIR ALEXANDER CAMPBELL, as his name would imply, was of Scotch descent, but was of English birth. He was the son of Dr. Campbell, and was born at the village of Heydon, near Kingston-on-Hull, in the East Riding of Yorkshire, England, in 1821. When Sir Alexander was only about two years old, his parents emigrated to Canada, and settled in the neighborhood of Lachine, near Montreal, where his childhood was passed. He received his early education at the hands of a minister of the Presbyterian Church, and afterwards spent some time at the Roman Catholic Seminary of St. Hyacinthe, his education being completed under the tuition of the well-known Mr. George Baxter, of the Royal Grammar School at Kingston, in Upper Canada. It will thus be seen that by early education and surroundings he was well fitted to fight the battle of life in a mixed community of French and English, Protestant and Catholic. After leaving school he chose the law as his profession, and in 1838 passed his preliminary examinations as a student before the Law Society of Upper Canada. He then entered the office of Mr. Henry Cassidy, remaining there until the death of his principal, in 1839, when he

became a pupil of the late Honorable Sir John A. Macdonald, who was then practising law in Kingston, with whom he remained as a student until his admission as an attorney, in Hilary term, 1842. He then formed a partnership with Mr. Macdonald, under the style of Macdonald & Campbell, and was called to the Bar in Michaelmas Term, 1843. The firm of Macdonald & Campbell had a very large business, the largest of its day in Kingston, was very successful, and afforded both the members of it an opportunity for building up a large fortune. Mr. Macdonald was an able advocate who attracted clients, but Mr. Campbell kept them. Mr. Campbell was quite able to take his senior partner's place in the courts when necessity called for it, and this was frequently the case, as Mr. Macdonald was always more or less given to political wanderings. From whatever cause, and the political wanderings was one, Mr. Campbell's attention to his practice was attended with greater financial success than came to his partner, and his labors while at the Bar secured for him a competent fortune, while Mr. Macdonald's fortune acquired in his practice was of a meagre kind; but his ambition was for fame, not for fortune, and he succeeded in gaining his desire. In the years 1851 and 1852 Mr. Campbell was alderman for one of the city wards of Kingston. This circumstance attests to the popularity he had attained in the place of his residence, and that, too, in the short space of eight years after having been called to the bar. In 1856 he was created a Queen's Counsel, in 1857 he became a Bencher of the Law Society of Upper Canada, and in 1858, with an ever-increasing popularity, he was

elected to the Legislative Council of the Cataraqui Division, embracing the city of Kingston and the county of Frontenac, in the Conservative interest. He had very good oratorical power. He was not brilliant, but convincing in debate in the Legislative Council. He was a good reasoner, courteous in manner, urbane, not acrimonious, but considerate to his opponents, and these qualities gave him great strength in a body governed more by patriotism than by party politics. His success in the Legislative Council was as great as it had been in his other ventures, whether at the Bar or at the aldermanic board. In 1863 he was elected Speaker of the Council, which position he held until the dissolution of Parliament in the summer of that year.

There was a political crisis in March, 1864, and Mr. Campbell was invited by the Governor-General to form a cabinet, but he declined. Mr. Macdonald would have been glad if Mr. Campbell had responded to the Governor's call, but he was unwilling to take upon himself the responsibility of a Prime Minister, and was better content to accept the subordinate office of Commissioner of Crown Lands under the new Ministry then formed—the Taché-Macdonald Ministry—of which Mr. E. P. Taché was the head, but Mr. Macdonald the controlling mind. Mr. Campbell, on the downfall of the Taché Ministry and a coalition Ministry being formed in its place, continued to hold the office of Commissioner of Crown Lands, and did so until the Confederation of the Provinces was brought about. He was a strong advocate of Confederation, and took an active part in every movement towards its realization, and was a member of the Union Conference which met at Quebec

in 1864. Inside and outside the House, Mr. Campbell was a sturdy champion of that great measure. In his speech in the Legislative Council, in answer to the opponents of Confederation, on the 17th of February, 1865, he was said to have made the most statesmanlike effort of his life.

The great service rendered the state in his successful advocacy of Confederation procured for him, after the adoption of that measure, a place in the Senate, to which he was called by the Queen's proclamation in May, 1867. On his elevation to the Senate he became leader of the Conservative party in that Chamber, and on 1st July (Dominion Day), 1867, was sworn in the Privy Council, and took office as Postmaster-General under his old leader, Sir John A. Macdonald. He retained that position about six years, when the Department of the Interior was created, of which he became the first Minister. In 1870 he proceeded to England on an important diplomatic mission, resulting in the signing of the Treaty of Washington. He continued to hold the portfolio of Minister of the Interior until November, 1873, when the Macdonald Ministry resigned, and was succeeded by the Ministry of Mr. Alexander Mackenzie. During the existence of the Mackenzie Government he led the Conservative opposition in the Senate, and upon the Conservative party again coming into power, in 1878, he accepted the portfolio of Receiver-General. He retained this office from 8th October, 1878, to 20th May, 1879, when he became Postmaster-General. Four days afterwards he was created a Knight of St. Michael and St. George. On the 15th January, 1880, he resigned the Postmaster-Generalship, and accepted the office of

Minister of Militia. In the re-adjustment of offices which took place prior to the assembling of Parliament, toward the close of 1880, he resumed the office of Postmaster-General.

Sir Alexander was for some time Dean of the Faculty of Law in the University of Queen's College, Kingston, and was always a strong supporter of that institution. In the business world he held a prominent position, and was connected with several important financial enterprises.

In February, 1887, Sir Alexander was appointed Lieutenant-Governor of the Province of Ontario. During his term of office Mr. Oliver Mowat was Prime Minister, and thus two Kingstonians held the most important offices in the Province at the same time. Sir Alexander was always courteous and dignified in manner, and was a general favorite both as a man and statesman. In 1855 he married Miss Georgina Fredericka Locke, daughter of Mr. Thomas Sandwith, of Beverley, Yorkshire, England. During his occupancy of Government House, his daughter, Miss Marjorie Campbell, performed the social duties incident to her position with grace and tact. Sir Alexander died at Government House, Toronto, on the 24th day of May, 1892.

HON. THOMAS GALT, ADMINISTRATOR.

From June 29th, 1888, for a period of two months, the administratorship of the Government fell upon Chief Justice Galt.

Thomas Galt, son of the distinguished novelist, John Galt, was born in London, England, on August 17th,

1815. He was educated in England and came to Canada with his father in his eighteenth year, and adopting the profession of law was called to the Bar in the year 1845. He was elected Bencher in 1855, and was created a Queen's Counsel in 1858. After a distinguished career at the Bar he was elevated to the Bench in the year 1869 as a Judge of the old Court and Common Pleas, becoming Chief Justice of that Court on November 5th, 1887. He was created a Knight-Bachelor in June, 1888, and continued to preside as Chief Justice of the Common Pleas Division until he retired in August, 1894. Sir Thomas, in his old age, has still a buoyant step and lives in the respect of his contemporaries, gained by his judicial worth and kindly nature.





*George A Kirkpatrick*



## CHAPTER XX.

### *THE HONORABLE GEORGE AIREY KIRKPATRICK, LIEUTENANT-GOVERNOR.*

SIR GEORGE AIREY KIRKPATRICK, fourth son of the late Thomas Kirkpatrick, Q.C., M.P., of Kingston, by his wife Helen, daughter of Alexander Fisher, Judge of the old Midland District, was born at Kingston, September 1st, 1841.

Sir George is of Irish descent, from the Irish branch of the barons of Closeburn, of Scotland. He had the advantage of being educated in three Provinces, all under the one flag. His first scholastic studies were at the Grammar School, Kingston, from whence he proceeded to the High School, St. John's, Province of Quebec, completing his studies at Trinity College, Dublin, graduating with B.A. and LL.B. in 1861, being also Moderator and silver medalist in law, literature and political economy.

Thomas Kirkpatrick, Q.C., was the most prominent lawyer of his day in Kingston, a man of sterling worth and superior professional ability. Sir George, having taken his degree at a university, was only compelled to study three years before he could be called to the Bar. These years he spent in his father's office in Kingston, and was called to the Bar in 1865, and practised his

profession with much success in his native city. He was created a Queen's Counsel during the administration of the Marquis of Lorne, in 1880. Sir George, during his residence in Kingston, found time to give some attention to military matters. He has always been an ardent supporter of the volunteer militia, which he entered as a private during the Trent affair, in the year when many of the Canadians assumed the military role in anticipation of a war between Great Britain and the United States, which good counsel happily averted. Sir George also served during the Fenian raid as Adjutant of the Prince of Wales' Own Battalion, became Lieutenant-Colonel of the 47th Battalion in 1872, and retired, retaining rank, April 18th, 1890. He commanded the Canadian Wimbledon Rifle team in 1876, and became President of the Dominion Rifle Association in 1884.

Sir George has always been a Conservative in politics, and on the death of his father, in 1870, succeeded him in the representation of the county of Frontenac in the House of Commons, and continued to hold the seat in the Conservative interest up to his appointment as Lieutenant-Governor of Ontario, June 1st, 1892.

He was an active member of Parliament, and was for some years Chairman of the Standing Committee on Public Accounts. His connection with a lake city caused him to take special interest in sailors, and their interests were well watched by him while in the House. He was the means of having incorporated in the Maritime Court Act, introduced by Mr. Blake, that portion which aims at securing a lien for seamen's wages on vessels plying on inland waters. Sir George was

Speaker of the House of Commons during the fifth Parliament, 1883-1887, and was called to the Queen's Privy Council of Canada in 1891. In educational matters Sir George takes a prominent place: he is an honorary LL.D. of Dublin University (1884), of Queen's University (1893), and of the University of Toronto (1894).

As a private citizen of Kingston, during his parliamentary career and before his appointment to the Lieutenant-Governorship, he took a prominent part in establishing some of the more important industrial and commercial institutions of the Limestone City.

Sir George Kirkpatrick, both before and since his appointment to be chief executive officer of the Province, was constantly connected with some institutions of an educational or charitable character. In 1886 he was elected a director of the Canadian Pacific Railway Company, and more recently of the Canada Life Assurance Company, and of the B. C. Southern Railway. He is also vice-president of the Imperial Loan and Investment Company. He was vice-president of the British Association for the Advancement of Science, which met at Toronto in 1897, and has been elected president of the Ontario Branch of the St. John Ambulance Association.

Sir George's appointment as Lieutenant-Governor of Ontario was hailed with great delight by his political friends, while his opponents could not but admit that he was eminently fitted for the position. Sir Oliver Mowat, Premier of Ontario, being in Kingston when the appointment was announced, said he considered the appointment a good one, the very best choice the

Government could have made. He was sure Mr. Kirkpatrick would be acceptable to all parties. Mr. Kirkpatrick was a man of experience in public affairs, well versed in constitutional government, and he was sure he would discharge the duties of his high office efficiently and judicially. How well Sir Oliver Mowat's opinion was verified is well known. Sir George as Governor was very popular with all classes. His frequent calls to the rural districts to take part in some function that interested the community testified to the esteem in which he was held by the farmers, while in the city no function was complete without his genial presence.

Nor was Lady Kirkpatrick less popular than the Lieutenant-Governor. In every relation she performed her part with consummate grace and with general consensus of praise. At Government House she was the amiable hostess, and out of it she was active in good works. She has been and is prominently connected with many of the charitable institutions of Toronto. She has at times officiated for the Lieutenant-Governor in functions of a public character, as in 1897, when she officiated for Sir George in opening the Victorian Era Exposition and Industrial Fair, Toronto. Lady Kirkpatrick is a daughter of the late Honorable Sir D. L. MacPherson, K.C.M.G., and is Sir George's second wife. They were united in marriage in 1883. The Lieutenant-Governor's first wife was a daughter of the late Honorable John Macaulay, whom he married in 1865, and who died in 1877.

Sir George belongs to the Masonic Order, and in 1896 was appointed an Esquire of the Order of the Hospital

of St. John of Jerusalem, in England. His rank of Knight Commander of the most distinguished Order of St. Michael and St. George was conferred upon him in 1897, on the completion of the sixtieth year of Her Majesty's reign. Sir George, since his term of office expired, has continued to reside in Toronto.\*

CASIMIR STANISLAUS GZOWSKI.

Lieutenant-Colonel Gzowski acted as a administrator for a short period from November, 1896, following the government of Sir George A. Kirkpatrick, until the appointment of his successor. Colonel Gzowski was descended from an ancient Polish family, his father being an officer of the Imperial Guard. He, himself, took a part in the insurrection of 1830, and on the downfall of the Poles was prisoner for many months, being subsequently exiled to the United States. Here he studied engineering, and afterwards was called to the Bar, but seeing more opportunity for his talents in Canada, he came to Canada in 1841 and entered the public service. Many public works were constructed under his supervision, and finally, with the late Sir A. F. Galt, Sir David MacPherson and Mr. L. H. Holton, he built the Grand Trunk Railway between Toronto and Sarnia. In 1879 he was made A.D.C. to the Queen, and in 1890 was created a K.C.M.G. He died at Toronto, August 24th, 1898.

\* Sir George Kirkpatrick died at Toronto, after a long and painful illness, borne with heroic fortitude, on December 13th, 1899, and was buried at Kingston.

## CHAPTER XXI.

### *THE HONORABLE SIR OLIVER MOWAT, G.C.M.G., LIEUTENANT-GOVERNOR.*

SIR OLIVER MOWAT, the present Lieutenant-Governor of Ontario, has been so many years in public life and so prominently that it would properly take a whole volume to do full justice to the subject, and then, perhaps, something essential would be left unsaid. The history of his life to this time must, therefore, be approached in an apologetic way by saying that the scheme of this work has been to compress within a single volume some account of the lives of all the lieutenant-governors who have in the past ruled the Province, and as he forms one of the class still living, his term of office not having expired, his sketch must be confined to some account of what may be assumed to be the greater part of his career, leaving a more full account of his distinguished public life to be described by some abler pen.

Sir Oliver is the son of a soldier. His father, John Mowat, who was a native of Canisbay, Caithness, in the far north of the Land of Cakes, like many another loyal Scotchman, joined the army, and took his share in the glories of the Peninsular War. Having done his duty as a soldier, the love of adventure being on him, and the war being over, he, in 1816, emigrated to



*Amorosa*





Canada and settled in Kingston, where he resided till his death, carrying on a general mercantile business. Sir Oliver Mowat's mother was Mary Levack, also from Caithness. She was married to his father in Kingston, on July 22nd, 1820. His Scotch parentage, combined with his Canadian birth, may account for his strong British feeling, the mainspring of his life. He was educated in Kingston at such schools as were accessible in his early years, and finished under the Rev. John Cruikshank, under whom Sir John Macdonald also received a part of his education. With so good a teacher as the Rev. Mr. Cruikshank, and pupils of the natural ability of the young students, Mowat and Macdonald, it is not surprising that both these scholars in their future lives have occupied prominent places in the history of their country. Both have been attorney-generals, both premiers, and both admitted to the order of knighthood on account of their distinguished services to the empire.

It has been said that in his adolescent stage Sir Oliver Mowat was as much of a Tory as Sir John Macdonald. This imputation Sir Oliver would probably resent. It has risen from the fact that in his boyhood days his associates were mostly Tories. When the rebellion of 1837 broke out, although but seventeen years of age, young Mowat shouldered his musket in defence of his country. His companions were mostly of the Tory order. His father was a Tory, and so he has been put down as belonging to that class at that time. No doubt he would say that as he grew older he grew wiser. At all events, early in life he allied himself with the Reform party. His early education well fitted him for a profession, and the law became his choice.

On the 12th of November, 1836, Oliver Mowat, jun., as he then described himself, petitioned the Law Society to be admitted a student at law, stating that he was sixteen years of age, had been educated at Kingston Grammar School, and had, among other studies, attended lectures by Mr. Jennings on astronomy and moral philosophy. Thus early had his attention been drawn to the philosophy of religion. He was presented by Solicitor-General Hagerman, his presentation being endorsed by Mr. John A. Macdonald, who, in course of time, was his life-long political opponent, and being admitted as a student at law, entered the office of Mr. John A. Macdonald, who had then been a few years at the Bar, and continued to serve him under articles for four years, when he was transferred to Robert Easton Burns, afterwards Judge Burns of the Court of Queen's Bench. Having completed his studies, he was called to the Bar in 1842, and after practising for a short time in Kingston, he left for Toronto, where he entered into partnership with his former master, Mr. Burns. The firm of Burns & Mowat, which by the addition of Mr. Philip VanKoughnet (afterwards Chancellor VanKoughnet) became the firm of Burns, Mowat & VanKoughnet, had a very large Equity practice, the second member, Mr. Mowat, being considered one of the best Equity lawyers of his day. This firm had their office just west of Macdonald's hotel, then occupying the site of the present Romaine building, on the south side of King Street. It was at this time that I first made the acquaintance of Mr. Mowat, when I used to meet him at the dining-hall of Macdonald's hotel, where I boarded and lodged, and he boarded. Mr. Mowat was most industrious, and was

seldom seen out of his office or out of court. Mr. Burns retired from the firm in 1848, accepting a judgeship in the Court of Queen's Bench. Mr. Mowat was created a Queen's Counsel in 1855, and was afterwards elected a Bencher of the Law Society. In 1857 he was induced to offer himself a candidate for alderman for St. Lawrence ward in the city of Toronto, and was elected. This election was thought to be extraordinary. That a quiet Equity lawyer should step out of his office to run for alderman was past understanding. The fact was, no doubt, that Mr. Mowat felt that he was suited for public life, and that this was the shortest route to gain the public attention to his ability as a public debater. The result showed that Mr. Mowat could be very combative on occasion. He proved to be a most excellent alderman, and introduced many reforms in the City Council which remain to this day as evidence of his skill as a municipal officer.

I sat with him, as alderman of St. Patrick's ward, in 1858, and can testify to the respect in which he was held by the Council. He was Chairman of the Walks and Gardens Committee, and brought to the notice of the Council, in an able report, the necessity of laying out parks throughout the city. There had been properties dedicated for parks by the Government which had been totally neglected and never brought into use. This was all altered after Mr. Mowat's report, several parks being now established and Queen's Park obtained from the University.

On Mr. Mowat's resignation of his seat as alderman in the latter part of the year, it fell to my lot, as Chairman of Walks and Gardens, to which I succeeded on his

retirement, to continue the negotiations for the lease of the park property; and finally, as Mayor, to which office I had been elected on the resignation of Mr. William H. Boulton, to accept the lease and finally complete the contract with the University. As I am in a reminiscent mood, I may state here that although Mr. Mowat and myself were directly opposed in politics, he warmly supported me for Mayor when I was opposed by another Conservative. We have had public relations together, not only as members of the City Council, but as Commissioners for the revision of the Statutes of Canada and Upper Canada, 1856-1857-1858, when he was one of the most active members on the commission, his services being specially valuable in the consolidation of the Municipal Laws.

His success as alderman induced his party to bring him forward as candidate to represent the county of South Ontario in Parliament in 1857. His opponent in the election was the Honorable Joseph C. Morrison, whom he defeated by a large majority. This election is chiefly memorable by the fact that it was during that contest that Mr. Mowat was given the name of "the Christian politician." Mr. John A. Macdonald and his party were at that time kept in power by virtue of their Lower Canadian majority, which was Roman Catholic and French.

The Reform party, in order to gain a victory over their opponents, hoisted the Protestant flag and raised the Protestant cry. No words were strong enough for a Reformer to use in condemnation of Romish and French ascendancy. The school-houses rang with the cry, political agitators excelled themselves in denuncia-

tion of the Macdonald-Cartier coalition, the press teemed with inflammatory articles, placards were posted all over the county, printed in large letters and with the utmost fervency insisting upon the necessity for protecting the Protestant faith and English language in the interest of religion and good government.

From the character of the alliances that have been made since that time, if judged by the record, Sir Oliver at this day would hardly recognize himself. Truly "we know what we are, but know not what we may be" — especially in politics.

When Parliament met in February, 1858, Mr. Mowat was found in his place in the House as the representative of South Ontario, and a supporter of Mr. George Brown, Leader of the Opposition.

The experience Mr. Mowat had had in the City Council of Toronto, especially in the matter and manner of discussing public questions, stood him in good stead in Parliament, and he speedily rose to the front rank in parliamentary debate. Sir Oliver has always exhibited great earnestness in the discussion of public questions, which, perhaps, has been one of the causes of his success as a politician. At all events he proved himself Mr. Brown's ablest associate. When the ill-starred Brown-Dorion Government of August, 1858, was formed, Mr. Mowat was appointed Secretary of State. This Government had lasted but two days when the House declared lack of confidence in it. The old Macdonald-Cartier Government was recalled, and the office of Secretary of State passed to other hands.

With the loss of office Mr. Mowat did not lose his enthusiasm for political life, of which so far he had had

but a taste. He continued to be a supporter of Mr. Brown, and in 1861, in the interests of his party, was a candidate in opposition to Hon. John A. Macdonald for the representation of Kingston in Parliament. Both were Kingston boys, and both thought they had a claim upon the constituency. The old town, however, did not choose to change its old member for a new one, and Mr. Mowat was defeated.

The consequence of this defeat was that Mr. Mowat was compelled to fall back on his old constituency of South Ontario for a seat in the House. In 1862 the Sandfield Macdonald-Sicotte Government was formed, and it was thought at the outset that Mr. Mowat would have been a member of it, but the radical difference of opinion that existed between the Premier, Mr. Sandfield Macdonald, and Mr. Mowat, on the subject of representation by population, prevented Mr. Mowat's entering the Cabinet. Mr. Mowat had pinned his faith on the principle that as the population of Upper Canada exceeded that of Lower Canada the Upper Province should have a proportionate increase of representation, and not an equal representation only, as had been the case since the union of 1841. This great and most important political principle had to be conceded at last when the confederation of the Provinces took place in 1867, though up to that time it had been vigorously opposed by Sir John A. Macdonald and the majority of his party. There was, of course, a strong minority of Conservatives, or Tories, as they were then called, who believed in "Rep. by Pop.," as it was then called, and to them it was a gratification when that same leader adopted the principle at the time and as a main principle of Confederation.

Sir Oliver Mowat may fairly be said to have been the father of the principle, now firmly engrafted on the constitution. Although, as has been said, Mr. Mowat was not a member of the Macdonald-Sicotte Government when first formed, when the Cabinet was reconstructed, in 1863, he became a member of it, accepting the portfolio of Postmaster-General. But his term of office under this Government only lasted for about ten months, when the Government went down and he with it. This Government was popularly known as the Macdonald-Dorion Government.

In 1864 the friction between the two provinces of Upper and Lower Canada became so great that it was felt by the leading politicians that the only way to save the ship of state was to scuttle it and rebuild it by a confederation of the Provinces of Upper and Lower Canada and the Maritime Provinces, leaving the door open for the entry of other provinces into Confederation when circumstances should arise to make it desirable.

In 1864 the Macdonald-Taché-Brown coalition Government was formed for the purpose of reconciling differences and to make possible the agreement for a confederation of the provinces. In this government Mr. Mowat was Postmaster-General.

A convention of the provincial delegates was held in Quebec in 1864, to discuss the matter and endeavor to agree upon terms. Mr. Mowat was a member of that convention, the upshot of which was that the confederation of the provinces was formed under the sanction of the British Government and an Imperial Act of Parliament. Mr. Mowat took an active part in preparing the Constitutional Act of Confederation. He was, indeed,

one of the "Fathers of Confederation." The meeting of the delegates of Confederation took place in Quebec on October 10th, 1864. In November following Mr. Mowat was raised to the bench as one of the Vice-Chancellors of Ontario. Here again I am personally reminiscent. I practised before Sir Oliver during the whole time he occupied a seat on the bench, and can say that on the bench he forgot politics and was uniformly courteous to the Bar. His decisions had a sound grounding in them that commended them to the profession and public alike. It was thought to be a great loss to the bench when he left it in 1872 to enter again the political arena. His old party being then in a straitened condition, they demanded his services and he complied, greatly to the chagrin of his political opponents and the delight of his political friends. The step which Mr. Mowat took was an unusual one. Never before in Canada had a judge resigned his official position and descended from the bench to engage in politics. But the situation was such that if the Reform party was to continue to exist, Mr. Mowat's assistance was absolutely essential.

The two leaders, Messrs. Blake and Mackenzie, had left the Ontario Government to enter the House of Commons at Ottawa, and the local Reform party was helpless without the aid of another leader. Yielding to the pressure of his friends, Mr. Mowat resigned the Vice-Chancellorship and became Premier and Attorney-General of Ontario. That the Attorney-General of the Province should have been taken from an Equity court was thought by some to be an extraordinary appointment, as they considered that the Attorney-General should be



a man skilled in criminal laws. This Mr. Mowat was not, his professional practice at the bar having been in the Court of Chancery, and his position as judge, that of Vice-Chancellor of the only court of Equity in the Province. How then could he be Attorney-General and conduct business in the criminal courts? The question was solved by the Attorney-General not conducting business in the criminal courts, but leaving it to county attorneys and Crown counsel, while the Attorney-General remained at the helm in the Government buildings, the head of the Law Department and at the same time Premier.

Sir Oliver's long term in office as Premier and Attorney-General of the Province of Ontario, extending over a term of upwards of twenty-three years, gave him opportunity to shape her laws such as had not fallen to any other Minister. That he did well no one disputed, though there may be a great difference of opinion as to the centralizing tendency inaugurated while he was leader of the House. In school legislation, municipal legislation, and in legislation of a social character, as in the matter of licenses, more extensive powers were gradually given to the Government of the day. Whether this change is in the nature of reform or not may be questioned. It undoubtedly was a marked tendency of the legislation during his administration. The highest praise, however, is due to him for his determined and brilliant defence of the rights of Ontario. His successful litigation with the Dominion Government, resulting in his obtaining a large increase of territory for his native province, will ever remain an enduring monument to his memory as a Minister. The Dominion Government,

notwithstanding their confident boast of certain success, were signally defeated on the question of the north-west boundary of the Province by an unanimous award made by Sir Edward Thornton, the British Minister at Washington, Sir Francis Hincks and Chief Justice Harrison—the three arbitrators selected to ascertain the line between Ontario and Manitoba. None of these gentlemen could be claimed to be predisposed in favor of the Provinces of Ontario or Manitoba, or against the Dominion, yet they were compelled to come to the conclusion, on the evidence furnished by old maps and records, that the Province of Ontario was entitled to one-half more territory than the Dominion Government were willing to allow. The final decision of the matter was submitted to the Privy Council after the arbitrators had decided in favor of Attorney-General Mowat's contention. Mr. Thomas Hodgins, Q.C., the present Master in Chancery, counsel for Ontario in this case, devoted much time in exploring all accessible archives for material to strengthen the case of Ontario, and had the satisfaction of seeing his clients succeed in a contest, the result which was due not a little to his research, and was of great political value and importance. On all constitutional questions Sir Oliver has proved himself an adept, and he has not shirked the question whenever a constitutional issue has arisen, as between the Province of which he was Premier and the Dominion, or between his Province and other provinces of the Confederation.

He raised the question of the Dominion Government having the sole right to appoint Queen's Counsel, contending that the Ontario Government possessed the

power as well as the Dominion. In this contention he succeeded in establishing the rights of the Province after the matter had been submitted to the Privy Council for adjudication. Politically this was of great advantage to him, affording him abundant opportunity to reward political legal friends.

The statutes of a general and beneficial character passed by the Provincial Assembly during Sir Oliver Mowat's administration as Premier, and of which he was the originator, are legion, too numerous even to mention. Some, however, are especially entitled to mention :

1st. The Administration of Justice Act of 1873 and the beginning of the fusion of law and equity. This was such a radical change in the administration of the law that it was not without some misgiving that it was entered upon. However, after feeling the pulse of professional men of the law and the judges, the conception that Sir Oliver had of the matter took shape and was embodied in his legislation. It certainly was a great advance to have legal and equitable rights determined in the same action, and the Administration of Justice Act was the first step which led to the ultimate fusion of law and equity, completed by the Judicature Act of 1881.

2nd. The Devolution of Estates Act. A very important measure, the principle of which was to simplify the administration of the estates of deceased persons, and to do away with the distinctions between the descent of real and personal estate, which was one of the last survivals of the old law of primogeniture of the Middle Ages.

3rd. The Law of Liens was extended to give to

mechanics a lien for their wages on the property on which they have expended labor. A most beneficial law.

4th. The right of landlords in the matter of distress for rent, curtailing the ancient rights of landlords and ameliorating the lot of tenants.

These are some only of his many important public reforms.

Sir Oliver during the whole course of his administration had on the opposite side of the House able critics, who aided him not a little in so shaping his legislation as to be productive of the most good to the majority of people. He never refused to accept such aid and was generous enough to admit its importance.

In 1896 Sir Oliver resigned his seat in the Provincial House, was again elected by the constituency of North Oxford to the Dominion Parliament, and entered the administration of Sir Wilfrid Laurier, as Minister of Justice. The prestige he had obtained while Premier of Ontario in fighting constitutional battles induced the Dominion Government to entrust him with the conduct of the negotiations for settlement of the difficult School question with the delegates from the Province of Manitoba.

The measure of success he had in that matter can better be determined by future events. Sufficient to say that an arrangement was entered into satisfactory to the Government of Manitoba, and it is to be hoped to the pacification of the Separate School question which agitated the Manitobans for many years.

Sir Oliver during his busy life has been able to devote some of his time to literary work. His works, "Evidences

of Christianity” and “Christianity and Some of Its Fruits,” show the sincerely religious bent of his mind. In 1897 he was elected Honorary President of the Canadian Bar Association, and was at one time its president. He was formerly president of the Canadian Institute, has filled the presidency of the Evangelical Alliance, and is a vice-president of the Upper Canada Bible Society. He received the honorary degree of LL.D. from Queen’s University in 1872, and from Toronto University in 1889. In 1887 he presided over the Quebec Interprovincial Conference. In 1892, in recognition of his services, the Queen created him a Knight Commander of the most distinguished Order of St. Michael and St. George, and in 1897, on the completion of the sixtieth year of Her Majesty’s reign, he was promoted to be a Knight Grand Cross of the same Order. In religious belief Sir Oliver is a Presbyterian.

He married Jane, the second daughter of the late John Ewart, of Toronto. She died March 14th, 1893.

Sir Oliver was appointed to his present position of Lieutenant-Governor on November 18th, 1897, to the satisfaction of his friends and political opponents alike, who have always recognized in him a firm friend of the British Empire.

That Sir Oliver Mowat may live many years to enjoy his honors is the hope of his many friends.



## APPENDIX.

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We here present autographs of the Lieutenant-Governors and Administrators whose portraits do not appear in this volume. Of the first two, Hunter and Grant, no portraits are known to be in existence.

*P. Hunter*

*A. Grant*

*fr'de Stottenburg*

*Knippenberg*

*Sturtevant*

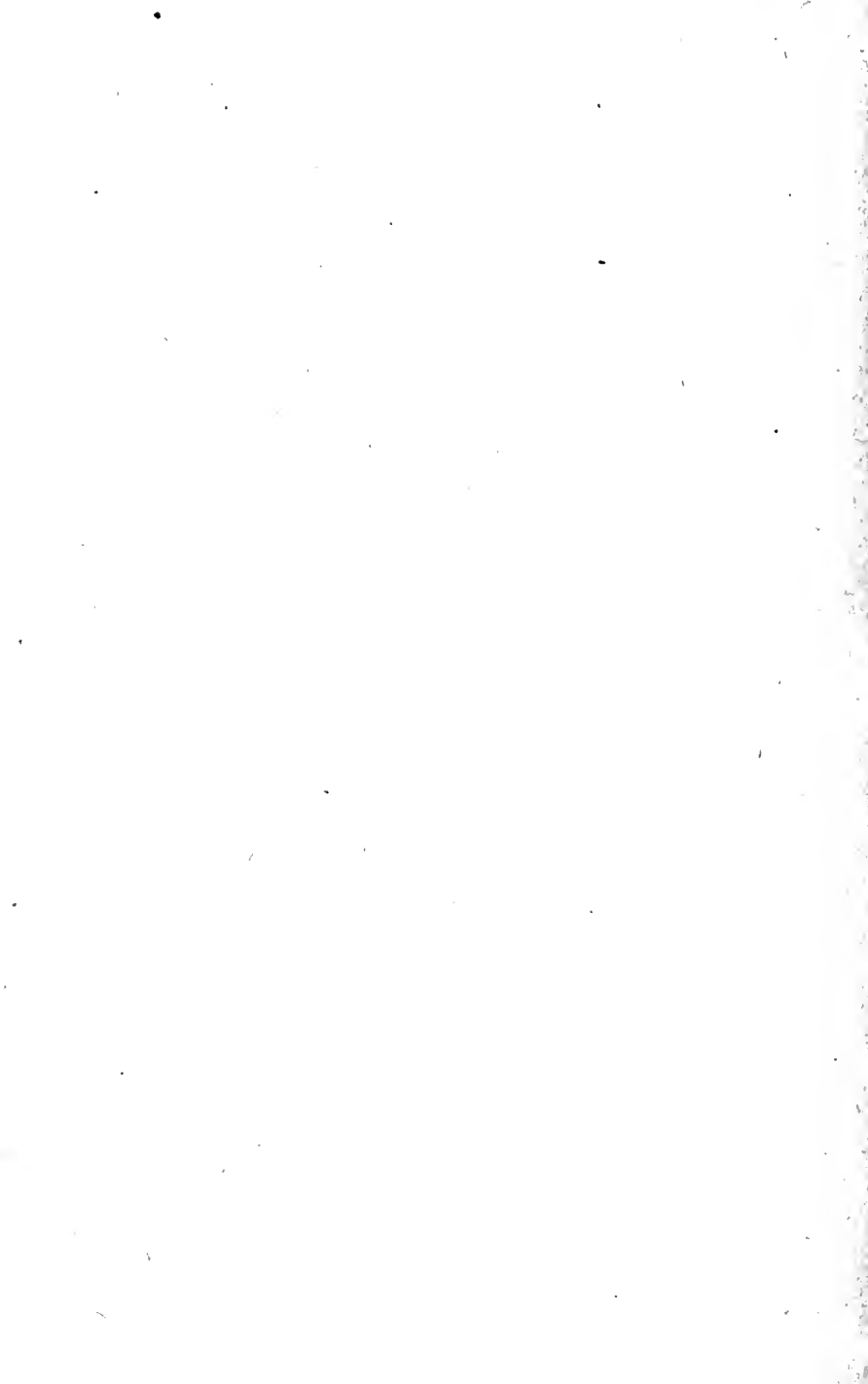
*David Chisholm*

*C. J. Gowans*









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